

THE
Parliamentary Register;
OR,
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, PETITIONS, &c.
laid before, and offered to, the HOUSE,

DURING THE

FIRST SESSION of the FOURTEENTH PARLIAMENT
OF

GREAT BRITAIN.

V O L. I.

L O N D O N:

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T H E
H I S T O R Y
O F T H E
P R O C E E D I N G S and D E B A T E S
O f t h e F I R S T S E S I O N o f t h e
H O U S E o f C O M M O N S
O F T H E
F o u r t e e n t h P a r l i a m e n t o f *Great-Britain*;

Appointed to meet at *Westminster*, the 29th of *November*, 1774.

THE King being on the throne in the House of Peers, and the Commons attending, the Lord Chancellor directed the Commons to chuse a Speaker, and present him the next day.

The Commons returned to their own house.

Lord *Guernsey* moved that the late Speaker, Sir Fletcher Norton, be chosen Speaker again. Lord *Guernsey*.

His Lordship was seconded by Lord *R. Spencer*.

Lord *R. Spencer*.

The house agreed to the motion.

November 30.

The King being on the throne in the House of Peers, the Commons attended and presented their Speaker, who being approved, the King opened the sessions with the following speech.

My Lords, and Gentlemen,

It gives me much concern, that I am obliged, at the opening of this parliament, to inform you, that a most daring spirit of resistance and disobedience to the law, still unhappily prevails in the province of the *Massachusetts Bay*; and has, in divers parts of it, broke forth in fresh violences of a very criminal nature. These proceedings have been countenanced and encouraged in other of my colonies, and unwarrantable attempts have been made to obstruct the commerce of this kingdom, by unlawful combinations. I have taken such measures, and given such orders, as I judged most proper and effectual for carrying into execution the laws which were passed in the last Session of the late parliament, for the pro-

fection and security of the commerce of my subjects, and for the restoring and preserving peace, order, and good government, in the province of the Massachuset's Bay; and you may depend upon my firm and steadfast resolution to withstand every attempt to weaken or impair the supreme authority of this legislature over all the dominions of my crown; the maintenance of which I consider as essential to the dignity, the safety, and the welfare of the British Empire; assuring myself, that, while I act upon these principles, I shall never fail to receive your assistance and support.

I have the greatest satisfaction in being able to inform you, that a treaty of peace is concluded between Russia and the Porte. By this happy event, the troubles which have so long prevailed in one part of Europe are composed, and the general tranquility rendered complete. It shall be my constant aim and endeavour to prevent the breaking out of fresh disturbances; and I cannot but flatter myself I shall succeed, as I continue to receive the strongest assurances from other powers of their being equally disposed to preserve the peace.

Gentlemen of the House of Commons,

I have ordered the proper estimates for the service of the ensuing year to be laid before you; and I doubt not but that, in this House of Commons, I shall meet with the same affectionate confidence, and the same proofs of zeal and attachment to my person and government, which I have always, during the course of my reign, received from my faithful Commons.

My Lords, and Gentlemen,

Let me particularly recommend to you, at this time, to proceed with temper in your deliberations, and with unanimity in your resolutions. Let my people, in every part of my dominions, be taught, by your example, to have a due reverence for the laws, and a just sense of the blessings of our excellent constitution. They may be assured that, on my part, I have nothing so much at heart as the real prosperity and lasting happiness of all my subjects.

December 1 and 2.

Swearing the members.

December 3.

Lord Beauchamp.

Lord Beauchamp moved that an humble address be presented to his Majesty.

Mr. De Grey.

Mr. T. De Grey Junr. seconded the motion.

Lord John Cavendish.

Lord John Cavendish proposed an amendment, in substance, that his Majesty would be graciously pleased to communicate the

the intelligence he had received from America, to the house.

Mr. *F. Montagu* seconded the motion.

Mr. *F.*
Montagu.

The friends of the address, as moved by Lord Beauchamp, argued, that an address was no more than a general compliment, a measure of course at the beginning of every session; that particular measures were not now the objects of consideration; and that the judgment of the house upon the affairs of America would be taken on a future day.

The friends of the amendment argued, that though no particular measures were at this instant under consideration, yet, the address being drawn up in such very general terms, it implied, and even contained, a general approbation of all the late measures taken with America; that this general judgment could not, nor ought not, to be given without the fullest information; and that a delay in forming such judgment, while the most important concerns of England and America were depending upon it, might be fatal.

Some gentlemen, who declared themselves not attached to either side, said they would vote for the address as moved by Lord Beauchamp; not because they would be thought to approve of the late measures against America, on the contrary, they did not consider this vote as making any engagement to approve of any measures; for they should consider themselves, they said, notwithstanding this vote, entirely at liberty upon all future questions; but they would vote for the address, because an address was become a business of course.

Lord *North* said, this was not a proper time to enter upon any discussion of the affairs of America, that however necessary and agreeable a reconciliation with America might be, yet, as no terms had been offered by America; England would not submit first; and as matters therefore were in a state of suspense, he hoped the noble Lord would withdraw his motion. He made some apologies for the late parliament, which passed the acts against America, and called it a good parliament.

Lord *North.*

Col. *Barre* replied to Lord North, and said, America had offered terms. He read a passage in Mr. Dickinson's pamphlet, entitled "a New Essay, &c." which in his opinion contained a very sufficient ground to accept and to negotiate upon. The scheme of reducing the colonies by force, he termed wild, incoherent, and impracticable.

Col. *Barre.*

Gov. *Johnstone* thought America not tenable upon the terms and principles laid down in the proposed address. He was very glad to hear some apology made for the late parliament,

Gov. *John-*
stone.

ment, for, in his opinion, no parliament ever stood in greater need of an apology.

Mr. Burke. Mr. *Burke* compared the language now artfully held to the new members, of the address being only a compliment, to the insinuations of a designing lover, who, under the pretence of honourable addresses, first squeezes the hand of his mistress, then asks her to take a turn in the park, next into the country, and so on, step by step, till at length he dishonours her. In the last parliament, he said, it was the Minister's language, that the late acts would humble America, that by punishing Boston all America would be struck with a panic: Boston would be abandoned, all would be afraid to give any relief to Boston, lest they should share the same fate. The very contrary is the case. The cause of Boston is become the cause of all America. Every part of America is united in support of Boston. "By these acts of oppression," said he, you have made Boston the Lord Mayor of America." The present situation of America he compared to a funeral, trade and commerce were pall bearers, the merchants and traders chief mourners, the West Indian and African merchants closed the procession, and the army and navy, at a distance, looked on in gloomy silence at so melancholy a spectacle.

Right Hon. T. Townshend, Mr. Hartley, and Mr. Fox, spoke in favour of the amendment.

Lord Carmarthen, Sir William Mayne, Sir George Macartney, Mr. Wedderburne, and Mr. Van, spoke for the address as proposed by Lord Beauchamp.

The house divided upon the amendment. For it 73, against it 264.

The humble Address of the House of Commons to the King.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty our humble thanks for your most gracious speech from the throne.

Permit us to assure your Majesty, that we receive, with the highest sense of your Majesty's goodness, the early information which you have been pleased to give us of the state of the province of the Massachusetts Bay.

We feel the most sincere concern, that a spirit of disobedience and resistance to the law should still unhappily prevail in that province, and that it has broke forth in fresh violences

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lences of a most criminal nature : And we cannot but lament that such proceedings should have been countenanced and encouraged in any other of your Majesty's colonies ; and that any of your subjects should have been so far deluded and misled, as to make rash and unwarrantable attempts to obstruct the commerce of your Majesty's kingdoms by unlawful combinations.

We beg leave to present our most dutiful thanks to your Majesty, for having taken such measures as your Majesty judged most proper and effectual, for carrying into execution the laws, which were passed in the last session of the late parliament, for the protection and security of the commerce of your Majesty's subjects, and for restoring and preserving peace, order, and good government, in the province of the Massachusetts Bay.

Your faithful Commons, animated by your Majesty's gracious assurances, will use every means in their power to assist your Majesty in maintaining entire and inviolate the supreme authority of this legislature over all the dominions of your crown ; being truly sensible that we should betray the trust reposed in us, and be wanting in every duty which we owe to your Majesty and to our fellow subjects, if we failed to give our most zealous support to those great constitutional principles, which govern your Majesty's conduct in this important business, and which are so essential to the dignity, safety, and welfare of the British Empire.

We learn with great satisfaction, that a treaty of peace is concluded between Russia and the Porte ; and that, by this happy event, the general tranquility is rendered complete : And we entertain a well-grounded hope, that your Majesty's constant endeavours to prevent the breaking out of fresh disturbances will be attended with success ; as your Majesty continues to receive the strongest assurances from other powers, of their being equally disposed to preserve the peace.

We assure your Majesty, that we will, with the utmost cheerfulness, grant to your Majesty every necessary supply ; and that we consider ourselves bound by gratitude, as well as duty, to give every proof of our most affectionate attachment to a Prince, who, during the whole course of his reign, has made the happiness of his people the object of all his views, and the rule of all his actions,

The King's Answer.

Gentlemen,

I return you my particular thanks for this very loyal and dutiful address. I receive with the highest satisfaction and approbation your assurances of assistance and support in maintaining the supreme authority of the legislature over all the dominions of my crown. It shall be my care to justify by my conduct the confidence you so affectionately express, and to shew that I have no interests separate from those of my people.

December 6.

Mr. Speaker.

Mr. *Speaker* said, It is usual that the double returns be heard first, next the undue elections, and lastly complaints concerning undue elections; but what I have to acquaint the house with, is of much higher consequence. By the standing order, it is ordered, "that all persons who will question any returns of members to serve in parliament, do question the same within fourteen days next;" and by the late act for determining controverted elections it is enacted, "that whenever a petition complaining of an undue election, &c. is presented, it shall be received, be read by the clerk, and a day fixed for appointing a committee to determine and try the same." Such being the state of the matter, I should be glad to have the opinion and direction of the house in what manner to act.

Mr. Cornwall.

Mr. *Cornwall*. I rise, with all imaginable diffidence, to impart my doubts on what has now fallen from the chair, because I conceive it to be involved in great difficulty. By the standing order, if a petition be presented the 15th day, it will come too late, and must, contrary to the general sense of the house, be rejected, unless we break through the antient and established usage of this house. On the other hand, if we do not receive it, we resist the positive words of an act of parliament; for by them, we are obliged to entertain a petition, and send it to a committee whenever it is presented, though the cause of complaint, *ex. grat.* rose in this session, and redress should not be sought till seven sessions hence. I would therefore submit it to the good sense and candour of the house, whether, considering the nature of the standing order, and the relation it should have to the act, and the act with it, it would not be more proper and convenient, that we might have, in the first instance, a power to enlarge the time to more than fourteen days, as well as reject petitions, if frivolous or ill-grounded; and

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and whether, in fact, that would not be the rational and substantial construction of the act in question.

Mr. Dunning. My honourable and learned friend over the way has started an objection, which, were it to prevail in the manner he seems desirous it should, would in reality defeat the act, which some short time since appeared to be so justly the favourite of a majority of this house. I trust there are many friends to that act now present, and I have a learned and honourable one now in my eye [Mr. Wedderburne] who I make no doubt, will exert himself in its support, and do all in his power to resist such an attempt, howsoever ingeniously urged, or covertly and plausibly conceived. The evil which the act was designed to remove and guard against, was partial decisions in this house, on controverted elections. I believe no man here will deny, that too many instances of that kind have happened; indeed its several provisions are the clearest proof, that that was the sole intention of its framer and friends. What then will be the probable consequence were my learned friend's ideas to prevail? It would be this, that a majority of this house, no matter whether of this or that party, (for we cannot be ignorant of what party is capable of doing) without enquiry, and perhaps only knowing the name of the town, or the petitioner, or chusing to usurp a jurisdiction to determine the merits in the first instance, could at once take upon itself to reject a petition, without any other hearing or trial whatever. In fine, if this be the method the honourable and learned mover, in this business, and his friends have devised to defeat every true and salutary purpose of the act, both in point of sense, construction, and letter, I would wish them sincerely to speak out, and attack it directly, rather than thus side-ways endeavour to defeat it, by forcing an interpretation it will by no means admit of.

Mr. Cornwall. No man in this house more highly approves of the act in question in several respects, than I do. I am not surprized therefore, if the learned gentleman thinks such a power as I have mentioned would lead to defeat the act, that he should be desirous to prevent its supposed ill consequences; but I suspect he has equally mistook my meaning and intentions. All I wish for is, that the house, if a petition on a true ground were presented, might be deemed competent to entertain it, though the fourteen days prescribed by the standing order were expired. As to the learned gentleman's fears, that such a power might be absurd, the journals of parliament do not furnish an instance of a petition being
C rejected,

rejected, complaining of an undue election, without being sent to a committee.

[*He was mistaken; 4 March, 1716, a petition from the inhabitants of Leominster, complaining of an undue election, was moved to be referred to the committee of privileges and election; it passed in the negative: it was afterwards resolved, that the said petition be rejected.*]

Mr. Dunning.

How the fact now stated by the Hon. gentleman may be, I will not pretend to say; but this I am confident of, that if it were strictly true, it would still be a stronger motive with me to resist the vesting any such power in this house; because, if in former times the house did not reject in the first instance, the reason was obvious, as those who led it could effect with certainty and facility, under the appearance and sanction of a judicial decision, what, if they had done in the first instance, would carry with it the strongest marks of the most manifest partiality. But being by the act now under consideration, totally precluded from exerting that shameful influence, should the reasons now offered by the learned gentleman prevail, they will, in a summary way, be enabled to do that which is denied them in any other. Should the house be vested with this negative, the petition may concern Blackacre, and the petitioner be John a Stiles; and both the town and petitioner may chance to be extremely disagreeable to those who govern and lead the majority of this house, no matter who they are or may be. What then is to be done? The committee cannot pass over the justice of the cause, to stigmatize the petitioner for his turpitude, nor punish the town for its delinquency; on the contrary, they will be under a necessity of judging rigidly, according to the true merits of the question. That there have been many decisions within these walls, answerable to this description, I believe few will controvert; nay, indeed, I might add, as iniquitous and unjust as ever came to my knowledge without them; and they have been sufficiently corrupt and numerous. I therefore call on the former friends of the bill, who I trust have not so soon changed their minds, to stand forth and assist me in defending it; for which purpose, Mr. Speaker, I beg to make the following motion, and to take the sense of the house on it.

‘That, according to the true construction of the said act, whenever a petition, complaining of an undue election, or return of a member to serve in parliament, shall be offered to be presented to the house, within the time limited by the order of the house for questioning the returns of members to serve

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serve in parliament, the said petition shall be delivered in at the table, and read, without a question being put thereupon.'

Mr. Burke, Mr. Wedderburne and Mr. Hartley, spoke for the motion, and Mr. Rigby, Mr. Thurloe and Mr. Fox, against it. However the motion was agreed to without a division, and it is made a resolution of the house.

Several gentlemen having petitions to present, and each being desirous of an early day being appointed for hearing them, the Speaker was embarrassed how to decide, or to which he ought to give the preference, and therefore desired the assistance and direction of the house. This produced a conversation; at length Mr. *Rose Fuller* proposed, that when more than one petition, complaining of an undue election, or double return, is presented on the same day, Mr. Speaker do order the names of the counties, cities, or boroughs, from whence the said petitions are received, to be written on pieces of paper of the same size, and being rolled up, to be put by the clerk into a glass, and be publicly drawn out, one at a time, by the clerk, and then read, and proceeded upon in the order in which they are drawn. After a few words this motion was agreed to. The petitions ready were immediately delivered, and the clerks proceeded according to this new regulation. This is the first instance of any decision in the nature of a ballot being adopted in the House of Commons.

December 7, 8, 9.

Petitions and private business.

December 12.

Mr. *Buller*, one of the lords of the Admiralty, moved that 16,000 seamen including 4284 marines, be employed in the sea service for 1775, at the rate of 4l. per man, per month, for thirteen months.

It was asked what number of seamen were now employed in America, to which Mr. Buller answered, 2,835, but that the ordinary number employed on that station was 1900. It was, said in reply, that keeping so many seamen in America was leaving the coast at home almost defenceless.

A conversation was begun by the Right Hon. *T. Townshend*, that the doors of the house ought to be open to the Peers.

Mr. *Stanley* spoke against it, said neither Peers nor strangers ought to be admitted.

Mr. *Rice* said, the Peers having given the first offence ought to be the first to recede.

Sir *G. Elliot* was not only for admittance of the Peers and their sons, but members sons; and that since the Peers had

haved improperly, the Commons should set them the example of good manners.

Mr. Burke.

Mr. *Burke* touched upon the pride of the Peers, and said he apprehended more true politeness was to be found amongst the country gentlemen; he then argued in favour of opening the doors of both houses on the principle of duty, declaring that if he could do his duty compleatly without, he would never desire to enter the doors of the House of Peers; but he was very well convinced, that upon certain occasions, it was absolutely necessary the members should have free access to their respective houses; that a great commercial bill, the importation of provisions from Ireland, would probably have been lost, if he had not had access to the House of Peers, to explain the principles on which that bill went; and that if the doors of that house had not been shut against the Lords last sessions, the bill for the security of literary property would never have been rejected with such contempt, after it had passed the House of Commons; for if the young Peers had come down and heard the arguments on it, it would have met with a different fate.

No motion being made upon this subject, nothing was done,

December 13.

**Mr. Rose
Fuller.**

Mr. *Rose Fuller* moved that the resolution which the house came to, on the 5th of *May*, 1774, might be read. It was read as follows:

“That in some counties in this kingdom, by reason of their great extent, or the particular situation of their county towns, the freeholders cannot, but at their great expence, fatigue, and loss of time, be convened together at any one place, to make elections for knights of the shire; and that provision should be made, that in such counties the poll, if demanded at the proclamation of the writ, may be taken at certain different places, for certain different districts within such counties.”

Mr. Fuller.

Upon which Mr. *Fuller* observed, that it appeared at that time to the house, that there were several large counties, where it was extremely inconvenient for the freeholders to attend at an election for members to serve in Parliament; he begged therefore, to acquaint them with what came within his own knowledge. He said, he resided in a county [*Suffex*] where he was eighty miles from the place of election, and that there were several freeholders who lived above a hundred miles off, and were obliged to go to give their suffrages at the expence of 4*l.* each, which he looked upon no less trouble-

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troublesome than expensive. He then moved, that leave might be given to bring in a bill, according to the resolution of the house of the 5th of May, 1774, which was agreed to.

Lord *John Cavendish* begged leave to state to the house the conduct of administration in one or two points, particularly respecting the naval establishment for the ensuing year. Lord *John Cavendish*. He observed, that there was 4000 seamen voted for the present year less than the preceding one, notwithstanding the speech from the throne announced the very critical and alarming situation of affairs in America. This was a conduct he could by no means reconcile; for taking the speech to have been framed upon right information, as calling for measures of a spirited and decisive nature, what sort of correspondence there was between the contents of the speech and the naval establishment, was more than he could possibly discover. But were he to declare his sentiments, he feared it would be found to be a mere ministerial trick. A forming of estimates, in the first instance, that were never intended to be adhered to, or rather designed as mere waste paper, and afterwards surprize and drive the house into grants of a very improper and burdensome nature. Such being his suspicions, for his part, he said, he could not face his constituents without previously knowing what he must tell them, both in relation to further burdens, and what was involved in such an enquiry, if compulsive measures were really intended to be pursued towards the Americans; for to talk of enforcing the acts upon a reduced establishment, either naval or military, was a sort of language fit to be held only to children.

Lord *Beauchamp* said, that the noble Lord had communicated to him, that morning, his intentions of moving something on the subject matter of the present conversation; that he had accordingly apprised the noble Lord who presides at the treasury therewith; and that his Lordship had authorised him to acquaint the house, that he had no information whatever to lay before it; nor measures to propose respecting America. He was therefore of opinion, that as the noble Lord was indisposed and absent, it would be better, particularly as there was a very thin house, to suspend all further solicitude, till his Lordship should have an opportunity of fully explaining the motives of his conduct in person. Lord *Beauchamp*.

Mr. *Cornwall* endeavoured to apologize for the minister's conduct. He insisted, that the present was not a proper time to enter into any discussion relative to American affairs; that the naval reduction, he presumed, was founded on good and Mr. *Cornwall*.

and substantial reasons; that however, the motives which gave birth to them might vary with the circumstances; and, that when the question concerning Great Britain and the colonies came in a parliamentary way before the house, every member would then be fully at liberty to deliver his sentiments and maintain his opinions.

Mr. Burke.

Mr. *Burke* answered, and was extremely severe on the conduct of administration. Among a variety of other things, he compared the House of Commons to a dead senseless mass, which had neither sense, soul, or activity, but as it derived them from the minister. If his Lordship chuses to tell them one day, that America is in a state little short of actual rebellion, it is all very well; if in a few days after, he acquaints them, at second hand, that he had no information whatever to authorize such an assertion, who can doubt his candour and his veracity? Both assertions still remain uncontradicted, and all must be silence. A few days since it was indecent to call for papers, because they could be had; to look for them now would be improper, because they cannot be had. That however absurd it might seem, such a conduct was nevertheless founded on system; for if matters turned out well, the merit would be imputed to the minister; whereas if they should be attended with miscarriage or misfortune, it is no more than applying to parliament, and every thing will be set to rights; that is, we despise the parliament, who are our only proper and constitutional counsellors; but when we have blundered and ruined our affairs, perhaps beyond a possibility of redress, then we will come to parliament—to do what?—to remedy what is incurable, and to recover what can never be regained. It is an old device, though methinks not a very wise one (says he) to trust to the chapter of accidents. The book in which it is contained, has the beginning and the end torn out. This valuable chapter counsels you to trust to accidents, because accidents are sometimes productive of good fortune. He concluded his observations with remarking, that ignorance and folly are nearly allied; that to affect the latter, we must be held in ignorance, and that by both, we would be the fitter to receive vigilance, activity, information and knowledge, whenever the minister thought proper to communicate one or inspire the other.

*Sir William
Mayne.*

Sir *William Mayne*, in a short speech, condemned the very-extraordinary conduct of those in power, in withholding from the house the necessary information, or at least the best they had; and laying his hand on his breast, solemnly protested

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tested he would never have voted for the address without the proposed amendment, had he imagined they meant to refuse the necessary explanations, on which the speech was supposed to be founded.

Mr. *Hartley* rising to speak was interrupted, and informed Mr. *Martineau* from the chair, that as there was no question before the house to debate on, gentlemen could not be permitted to proceed in such a disorderly manner. However, being desired to proceed, he quoted several instances, since the year 1765, both by petition and otherwise, wherein the Americans offered to contribute towards the public support, by way of requisition. He therefore submitted it to the consideration of the house, whether it would not be proper to suspend the operation of the late Acts relative to Boston, *pro tempore*, in order to see if the colonists still continued to be of the same way of thinking; and if they did, then to have requisitory letters under the great seal issued, and directed to the several provinces, requiring them to contribute in certain propositions towards the public expence.

Lord *Beauchamp*, in answer, observed, that the present was no more than a desultory conversation; that he perceived the honourable gentleman mistook entirely the design of the late acts, for they were not directed to the question of taxation, but were meant to apply, as a particular punishment for certain outrages and acts of disobedience committed by the inhabitants of Boston alone.

Lord *John Cavendish*, in reply, that the present conversation, as originating with him, was not immediately connected with the propriety of the conduct of Great Britain, or America, but was simply intended to prevent a deceit being put or practised on the house by framing ideal estimates, which were afterwards, at a very improper season, perhaps, meant to be increased.

Lord *Beauchamp* again, to remind the house how very irregular it was to continue to debate in this manner; and said, that as the military estimates were to be taken into consideration on Friday the 16th, when probably the house would be full, and the noble Lord, who could give satisfaction in this business, would be present, begged that any further consideration of it might be deferred till that day.

Capt. *Lattrell* replied, that this was a very uncommon way of satisfying the house; for, by this mode of reasoning, if the noble Lord should not, or could not attend, they must submit, and go to the country without any information whatever.

The

*Mr. Rose
Fuller.*

The House being thin, *Mr. Rose Fuller* said, a motion ought to be made before the holydays, for a committee on the present state of America.

December 14 and 15.

Nothing material.

December 16.

Mr. Gascoigne.

Mr. Gascoigne condemned the custom of permitting petitioners against undue elections, to sit in the gallery, when orders were given to clear the house. Many persons, he believed, were petitioners for no other reason; he heard a petitioner once say, he was quite easy, for though he had not a *voice*, he had a *seat* for two years.

*Rt. H. T.
Townshend.*

The *Rt. Hon. T. Townshend*, and *Mr. Burke*, blamed this language much, as prejudicing petitions before they were heard. And if it could be possible, that any person petitioned only with such a view, it would be discovered, upon examining into the merits of his petition, and he very properly stigmatised.

Lord Barrington.

At this time *Lord North* came in, upon which, *Lord Barrington* moved; that 17547 effective men, officers and invalids included, be employed for 1775.

*Mr. Rose
Fuller.*

Mr. R. Fuller desired to know in what manner the troops serving in America were stationed; and what number were now on service at Boston, or were intended for it?

Lord Barrington.

As to the latter question, *Lord Barrington* answered, that the force now on duty there, consisted of seven battalions and five companies of artillery; and he knew officially, there were three battalions more ordered to join those at Boston.

*Mr. Rose
Fuller.*

Mr. R. Fuller again said, that he had no motion to make, but he should be glad to know from the noble Lord at the head of the treasury, if he had any information to lay before the house, or any measures to propose respecting America; because, if he had not, he thought it the duty of parliament to interpose and call for papers, and proceed on such information, however defective, as well as they could. He added, that he looked upon the measures adopted by the last parliament, impolitic and impracticable; and that they could never be prudently or effectually put in execution.

Lord North.

Lord North confessed the very great consequence and importance of the subject, the *Hon. gentleman* now mentioned; said, it would require the utmost diligence and attention, as a matter of the greatest magnitude ever debated within

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within those walls. He could not, he said, entirely acquiesce in the condemnation of measures hastily, which had been taken up and adopted on such weighty motives; that at the time, it was impossible to foretell precisely how they might answer; but the shortness of the time, and other circumstances considered, they should have a fair trial before they were reprobated; and, that the wisdom and policy of them could be only finally known in the event. He concluded, by assuring the house, that he had information to lay before it shortly after the holidays; and that he would so far adopt his honourable friend's ideas behind him, [Mr. Fuller] as to propose to appoint a committee, for taking the affairs of America into consideration.

Mr. T. Townshend declined entering into any consideration of the present state of America; but desired to know from the noble Lord, whether the present estimates were meant to be the real ones, or were intended to be held out to the house, and the public, as very moderate; while they were to be led unawares into a heavy expence, under the heads of an encreased navy debt, services incurred, and not provided for, and perhaps a vote of credit?

Gov. Johnstone said, I think, a true determination upon this question can only be made after knowing the plan which the gentlemen in administration are resolved to pursue, with respect to American affairs. It is now clear, that the people of America, actuated with the same firm and resolute spirit, and tinged with the same enthusiasm which enabled our ancestors to withstand the unjust claims of the crown, in the days of Charles the First, are determined to resist the high doctrines of parliamentary supremacy, held forth by this country, which must, in its consequences, reduce their liberties to a level with the colonies of France and Spain. If we are resolved to adhere to those incomprehensible tenets, echoed with so much applause in the last parliament, and on the first day of the present sessions, nothing but the sword can now decide the contest. In that event it is in vain to suppose, that the peace establishment of the army now proposed will be sufficient; for every wise man must foresee, that our rivals in Europe cannot be idle spectators in such a scene. Supposing then, a sufficient force is employed to subdue the Americans, this country must be left destitute of the necessary defence. No man is less desirous of augmenting a military establishment than myself. I foresee, that the liberties of this country must, in the end, fall a sacrifice to that power which has annihilated the rights

rights of mankind in other states. Between the danger from abroad, and the danger from those who are to defend us, according to the present establishments of Europe, the situation is very nice. For my own part, however wisely the military system is interwoven into our constitution in time of peace, citizen and soldier happily intermixing with each other in equal privileges, yet, upon an invasion, or a civil war, when men of high minds come to assemble in military camps, with the weapons in their hands, the contagion of power will soon spread; nevertheless, we must maintain (though with a watchful eye) a necessary force for defence, in case of invasion. I speak as a seaman, confident, that whenever France shall find an enterprising officer, capable of conducting such an attempt with skill and resolution, that the landing of an army in this country, is not to be prevented by all the ships we can arm, while the elements continue so various, and the distance so short. There are several methods to accomplish this, which I shall not repeat here, from prudential motives; but I am so convinced of the truth of my assertion, that I consider it as the duty of every man in this country to be ready to dispute the fate of this kingdom on a battle; and if we are left without a necessary strength to support wavering minds in such a conjuncture, while we are thinking of depriving our fellow-citizens of their just and legal rights in America, we may, as a proper punishment, lose our own. It is true, that, by the present vote, we do not preclude ourselves from an augmentation in the course of the session, in case the exigencies of the state shall require it, and so far I am willing to assent to the present motion; but, I beg gentlemen in administration, will, in the mean time, draw no merit from proposing so low an establishment, unless they intend to alter their measures; since it is undoubtedly inadequate to our situation; and, I would likewise caution the landed interest, not to plume themselves on the escape they have made, since it is equally evident, a further taxation, if not included in the general vote of this year, must be demanded by extraordinaries, or a vote of credit, to meet them next session, under the multiplied expences of that mode of raising money.

With regard to the navy, I confess it to be extremely hard, that the noble Lord should be attacked in the last session of parliament for too great profusion, and blamed in this for the reduction that was then deemed necessary: But I am not one of those who are captivated with a simple proposition

position upon paper, when all the avenues of extravagance are kept open; while the situation of our affairs, from the worst judged policy, necessarily leads us to open these sluices of expence. It is therefore in vain to hold out economical resolutions in our votes, when our conduct must produce a contrary effect. I hope, however, that the sentiments of gentlemen on the subject of American affairs begin to alter. I hope, they will now see what men, uncorrupted by the luxurious vices of a great capital, are capable of suffering, in support of essential privileges; and that the flattering expectations of *seeing America at our feet*, are now vanished.

To those who conceive that men are to yield their rights from oppression and distress, I would recall to their memory the sufferings of the late parliament of Paris. The haughty mind of a debauched Minister and an imperious Chancellor, had induced the late King of France to violate all the ancient and established privileges of that august body, the only remaining check against the despotism of the monarch: even men of wit and genius were found base enough to vilify the claims of the parliament; for I am sorry to observe, that fortitude of mind does not always accompany excellent talents; and that many men possessing those rare gifts, are too often induced to lend their ingenuity to the hand that pays them, in support of the doctrines of the day. Is it possible for any of the people of America to undergo greater distress than those worthy patriots in France have suffered? Deprived of their office and subsistence, banished from their friends, villified by the court, no prospect of a change; yet supported by principle and a good conscience, they have now seen their day of triumph, and felt the reward of virtue; securing to their country, by their perseverance, more essential rights than have been obtained by three civil wars. After such concessions from the King of France, shall the King of Great Britain be ashamed to yield to the just cries of two millions of his subjects!

I know all the arguments which are used to entangle weak men in support of the present arbitrary tenets. The subject, indeed, is complicated; and men are confounded, more than convinced. It is said that legislation existing in the parliament of Great Britain, taxation, which is a part of legislation, must necessarily be included. The various privileges which subsist in every free state, are hardly to be determined by any reasoning *apriori*. Such dilemmas occur on every subject. Can any position appear more ridi-

culous to those who maintain the doctrines of virtual representation, than, that a borough should send two members to parliament, without house or inhabitant? And yet there are many who hear me, strenuous advocates against American charters, that hold their seats in this house under such a curious representation. At the same time, I confess, the basis of the constitution depends on preserving their privileges entire, since no man can say how far the reform would reach; and the whole art of government consists, in preserving to every one his established rights. The most certain science we know, is mathematics; yet, if I was to say to many men, that two lines might approach nearer and nearer to all eternity, and never could meet, they would think the assertion ridiculous and absurd. Nevertheless, there is nothing so certain as the truth of that theorem. It is equally true, that legislation may exist without the power of taxation. The *kingdom of Ireland*, within our own dominion, is a proof of what these learned gentlemen assert to be so impossible. A worthy member, in my eye, being pressed with this argument in the last session of parliament, from the fairness of his mind, he avowed, as his opinion, *that we could tax Ireland*. I remember there were some gentlemen in the gallery when this declaration was made, whom I immediately perceived, by the contorsions in their countenance, to be Irish members: Next day the worthy member chose to make some apology to his friends. He said, no parallel could be drawn between Ireland and the colonies; for Ireland had a *paraphernalia*; and this satisfied both the English and Irish members. For my part, I do not see what difficulty can occur, in leaving the different colonies on the same footing of raising money by requisition, as from the people of Ireland. If it is thought this manner of raising supplies might throw too much power into the hands of the crown, that power might be limited, so as not to be exerted, except upon the address of both Houses of Parliament, such as has been lately adopted respecting the prerogative in regulating the coin. I am still hopeful, that the tense chord, on which our American creed has been said and sung, will be relaxed. I think I perceive the tone of the noble Lord is not so loud, or so lofty, as on some former debates on this subject. I hope it does not proceed from want of health, in which case, no man could feel more sorrow for his Lordship, than myself; but, I hope, it arises from a more serious and deep reflection on the subject, where his own good sense has had room to operate, free from

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from those violent associates, who seem to have precipitated his Lordship into such rash and cruel measures, contrary to his own natural good temper. Here then, I shall conclude, as I set out, hoping, that generous, just, pacific measures will be adopted; but still insisting, that no man can determine properly on the number of forces to be employed, until we know the measures that are to be pursued respecting America.

[It was Mr. Rigby, master of the rolls in Ireland, who had declared that the parliament of Great Britain had a right to tax Ireland in all cases whatever, as well as America.]

Mr. Fox said, It was proper to include Ireland in all the debates upon American taxation, in order to ascertain the parliamentary right of taxation over every part of the British dominions. Mr. Fox.

Lord Clare, jocularly complimented Mr. Rigby highly on the exceeding popularity, reverence, and esteem, that gentleman was held in by the whole Irish nation; that there was no man in England or Ireland more loved or revered. Lord Clare.

Mr. Rigby said, he acted in that country as secretary to the Lord Lieutenant; which, on many accounts, was rather an invidious and critical station; that the sentiments now alluded to, he maintained upon general principles; that his opinion was not singular, for he was supported in it by a statute, passed in the reign of George the First; that he begged to be understood, according to the obvious construction of that statute; and that according to that sense of it, he still continued to be of opinion, that the legislature of Great Britain had a right to make laws to bind Ireland, and all the other members and dependencies of the British empire. Mr. Rigby.

Mr. Cruger spoke next, I rise, sir, to say a few words on this important subject, with all the diffidence and awe which must strike the mind, on a first attempt to speak before so august an assembly. Had I remained silent on this occasion, I must have condemned myself for seeming to desert a cause which I think it my duty to espouse. I cannot but be heard with candour by Englishmen, when what I offer is dictated by a love to my country. Mr. Cruger.

I am far from approving all the proceedings in America. Many of their measures have been a dishonour to their cause. Their rights might have been asserted without violence, and their claims stated with temper as well as firmness. But permit me to say, sir, that if they have erred, it may be considered

sidered as a failing of human nature. A people animated with a love of liberty, and alarmed with apprehensions of its being in danger, will unavoidably run into excesses: the history of mankind declares it in every page; and Britons ought to view, with an eye of tenderness, acts of imprudence, to which their fellow-subjects in America may have been hurried; not, as has been unkindly said, by a rebellious spirit, but by that generous spirit of freedom, which has often led their own ancestors into indiscretions.

Acts of severity are far from having a tendency to eradicate jealousies: on the contrary, they must produce new fears, and endanger that attachment and obedience which kindness and gentleness might have insured.

No country has been more happy in its colonies than Great Britain. Connected by mutual interests (till the æra of the fatal stamp act) they flourished in an intercourse of amity, protection and obedience, supporting and supported by each other. Before that hated period, we meet with no instances of disobedience to your laws; no denial of the jurisdiction of parliament; no marks of jealousy and discontent. They ever loved liberty; their zeal for it is coeval with their first emigration to America. They were persecuted for it in this country; they sought a sanctuary in the unexplored regions of that. They cleared their inhospitable wilds, cultivated their lands, and poured the wealth which they derived from agriculture and commerce into the bosom of the mother country.

You protected them in their infant state, and they returned it, by confining to you the benefits of their trade. You regulated their commerce for the advantages of this country, and they never discovered an opposition, either to the authority or the exercise of it. Are these evidences of a spirit of disaffection to Great Britain, or ingratitude for its protection? Are they not rather proofs, that if the same line of mild and lenient government had been pursued, the same cordiality and submission would have been continued?

Every American who loves his country must wish the prosperity of Great Britain, and that their union may ever subsist uninterrupted. If the parental trunk is injured, the branches must suffer with it. A subordination on the part of the colonies is essential to this union. I acknowledge, sir, that there must exist a power somewhere to superintend and regulate the movements of the whole, for the attainment and preservation of our common happiness; this supreme power can be justly and adequately exercised only

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by the legislature of Great Britain. In this doctrine the colonies tacitly acquiesced, and were happy : England enjoyed by it all the advantages of an exclusive trade. Why then strain this authority so much, as to render a submission to it impossible, without a surrender of those liberties which are most valuable in civil society, and were ever acknowledged the birthright of Englishmen ? When Great Britain derives from her colonies the most ample supplies of wealth by her commerce, is it not absurd to close up those channels, for the sake of a claim of opposing taxes, which (though a young member) I will dare to say, never have, and probably never will defray the expence of collecting them ?

The expediency of coercive measures is much insisted on by some, who, I am sorry to say, seem to consider more the distresses into which they will involve the Americans, than the benefits they can procure from such vindictive conduct to this country. Humanity, however, will prompt the generous mind to weep over severities, though they may be even necessary ; and a prudent statesman will reflect, that the colonies cannot suffer without injury to Great Britain. They are your customers—they consume your manufactures :—by distressing them, if you do not drive them to foreign Markets, you will most assuredly disable them from taking your commodities, and from making you returns for what they have taken.

Should coercive measures reduce them to an acknowledgement of the equity of parliamentary taxation, what are the advantages which will result from it ? Can it be thought that the Americans will be dragooned into a conviction of this right ? Will severities increase their affection, and make them more desirous of a connection with, and dependence on, Great Britain ? Is it not, on the contrary, reasonable to conclude, that the effect will be an increase of jealousy and discontent ; that they will seek all occasions of evading laws imposed on them by violence ; that they will be restless under the yoke, and think themselves happy in an opportunity of flying to the protection of any other power, from the subjection of a mother, whom they consider cruel and vindictive ?

I would not be understood, sir, to deny the good intentions of administration. The abilities of the minister, it seems, are universally acknowledged ; but I must add, *humanum est errare*. Though an American, I applaud his jealousy for the dignity of parliament, and think the impolicy and inexpediency of the late measures may reasonably be imputed

puted to the difficulty of the occasion, and the unsettled and undefined nature of the dependance of the colonies on the mother country: and *vice versa*, candour must admit the same apology for the violences and mistakes of America.

But since these measures have been found, by sad experience, totally inadequate; since they have widened the breach, instead of closing it; diminished the obedience of the colonies, instead of confirming it; increased the turbulence and opposition, instead of allaying them; it may be hoped, that a different plan of conduct will be pursued, and some firm and liberal constitution adopted, by the wisdom of this house, which may secure the colonists in their liberties, while it maintains the just supremacy of parliament.

Sir William
Mayne.

Sir William Mayne drew a melancholy picture of the sufferings of the Irish; said that all promises had been shamefully broken with them; that pensions to the amount of 10,000*l. per annum*, had been lately granted on that miserable, ruined, and undone country; and that the castle was an asylum to every needy, servile, cringing apostate, that would bow the knee, and barter every thing which should be dear to him for emolument and court favour.

Lord North.

Lord North, took notice that an honourable gentleman (Governor Johnstone) had alluded to something he had said on a former occasion, relative to Great Britain never receding or relaxing, till America was at his feet; his Lordship observed, that it was hardly fair to quote what a man had said seven years before, and what he had explained on the spot before he left the house; this explanation then, and now was, he said, that by being at the feet of Great Britain, he meant obedience to the mother country. Such as, if they thought themselves aggrieved, to apply by petitions and dutiful remonstrances to the Parliament or the throne. He said, he thought it the duty of every member, as well in the house as out of it, to interpret what might fall in the heat of debate, or warm discussion, in the manner it was explained by the speaker: that if he had been thus candidly dealt with, the author of a late pamphlet, written in America, could never have asserted, that he insisted that Britain should never recede, till the laws and liberties of America were at her feet; for as he never meant one, so he never said the other. And he wished, that on the present occasion he should be understood according to his present explanation, and no other.

Mr. Hartley.

Mr. Hartley was for making the Americans contribute to the general defence of the empire, by way of requisition, and
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read one or two passages in some American proceedings, to shew their willingness to comply with such a measure.

The question was put on Lord Barrington's motion, and agreed to without a division.

Mr. *Sawbridge* proposed the three following resolutions, which were agreed to. Mr. *Sawbridge*.

Ordered, That the House be called over on Wednesday the 1st of February next.

That such members as do not then attend, be taken into the custody of the serjeant at arms attending this house.

And, that the Speaker be desired to write circular letters to the several Sheriffs and Stewards, to acquaint the members within their several counties therewith. Mr. *Sawbridge* then informed the house, that on the above-mentioned day he would move for leave to bring in a bill for shortening the duration of parliaments.

December 19.

The house in committee of ways and means for raising a supply to be granted to His Majesty.

Lord *North* stated from a paper which he held in his hand, in detail, the amount of the grants and services. He said, the former amounted hitherto but to 75,000*l.* the duty on malt; that the services to be incurred were navy and ordnance for sea service 830,000*l.* guards, garrisons, &c. 627,000*l.* military establishment in America, West-Indies, and Africa, 386,000*l.* difference of pay between British and Irish establishment, 2800*l.* Staff-officers, 11,000*l.* Chelsea, 122,000*l.* ordnance for land service, 228,000*l.* services incurred, and not provided for ditto the present year, 32,000*l.* in all amounting to, with the fractions, 2,244,000*l.* He observed, that the land-tax continued at 3*s.* would produce 1,500,000*l.* which added to the malt, would amount to no more than 2,250,000*l.* making a surplus of 6000*l.* He acquainted the committee further, that the militia money and the general deficiencies amounted last year to 580,000*l.* and would for the present be at least 400,000*l.* And that for these reasons he should move that the land-tax for the ensuing year be three shillings, which resolution being read by the chairman, was agreed to. Lord *North*,

December, 20.

Report from the Committee of ways and means; on putting the question for agreeing to the land-tax of three shillings in the pound;

Mr. *Hartley* lamented the melancholy state of America in general, and the deplorable state of the soldiery and inhabitants Mr. *Hartley*.

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of Boston, at this inclement season of the year, by which, and the extreme rigour of the climate, they would be cut off from all supplies necessary to the support of the miserable inhabitants, or the sustenance of the troops: he recommended therefore, before a long adjournment took place, that administration might devise some mode to prevent the various mischiefs we had a right to dread from so alarming a state of things.

Mr. Rose
Fuller.

Mr. *Rose Fuller* said, that we were too precipitate in our last measures, and that was the chief reason why they miscarried; that he foresaw at the time they would answer no end, but to inflame, nor ever would, while they were continued to be directed to the same ends; on which account he would be much better pleased that the affairs of America, the necessary information first had, were taken up on mature deliberation, and discussed with coolness, in order in the end to come to a wise, deliberate, and rational decision.

Rt. H. T.
Townshend.

Right Hon. *T. Townshend* said, that whatever that decision may be, the conduct of administration was for the present extremely reprehensible; for while we were informed from administration that America was almost in a state of rebellion, the land, the malt, the navy, and the army, were voted with as much ease, and without a single syllable, as if that country had been in a state of the most perfect tranquility and obedience: for, concluded he, either the information we have had is false, which I can hardly suppose, or the estimates on the table are by no means proportioned to the objects which are recommended from the throne: for instance, if the army now in America be to be augmented, or the ships stationed there reinforced, the three shillings land tax now voted will certainly be insufficient; and the deficiencies must be made up without the knowledge of parliament, by a vote of credit to defray expences incurred in the support of measures, with which at present it is evident we are totally unacquainted.

Mr. Rigby.

Mr. *Rigby*, facetiously replied, would the Hon. Gentleman have a war establishment in time of peace? Would he have us embroe our hands in the blood of our countrymen on the other side of the water? I dare say no man in this house is ignorant of my sentiments, and yet I should shudder at the thought. The Hon. Gentleman complains that the land, the malt, &c. is voted without a syllable being said; pray whose fault is that? He would not have, I presume, the gentleman who presented the navy estimates, rise and condemn them: he would not desire the noble Lord, I suppose, who laid the army estimates before you, to tell the house that the

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the number of troops to be employed in America was insufficient, considering the state of that country; nor the noble Lord who proposed the tax of three shillings in the pound, to inform us in the same breath that it ought to be four. Who then is to blame? Those who were convinced that the estimates and grants were too low, and would not speak, or those who thought them sufficient, and declared their opinions? For my part, I do not think myself capable of defending the gentleman now alluded to; nor have I, nor do I pretend to speak from any information of my own; but as the establishment is a peace establishment, as I always thought that the present is a very proper one, till I am informed that a war establishment is become necessary; and as I voted for taking off the other shilling, I shall give my vote that the land tax be three shillings for the ensuing year. The other Hon. Gentleman [Mr. Hartley] says, the port of Boston is frozen up this season of the year; I have conversed with many on the subject, who have assured me of the contrary: whether it be, or be not, I cannot see how our sitting here on Christmas Day, or the whole holidays, could be the means of relieving the army, or the inhabitants, or of preventing the mischiefs he seems so much to dread.

Mr. *Burke*. I did not mean to rise in this debate, if I had not heard the moderation of one gentleman, [Mr. Fuller] and the precipitation of another, [Mr. Hartley] stated as if militating against each other. Now, sir, I, who see matters in another light from the Right Hon. Gentleman on the floor, can easily perceive them to be exactly correspondent. The former, from his experience of what has been already done, is cautious and willing to avoid repeating our former blunders, or adopting others of a similar nature; but is for having matters coolly considered, fully investigated, and wisely and effectually determined; the latter aiming at the same point, considering the circumstances in the most urgent and pressing light, is more eager to arrive at the completion of his wishes, not perhaps contemplating or foreseeing the obstructions that may retard him in his progress. The Right Hon. Gentleman's confessed ignorance of what is proper to be done, or the measures his friends mean to adopt, I am extremely ready to believe; and have no reason to doubt but their present knowledge and foresight were nearly on a par. He certainly mistakes the matter, if he supposes that we at this side of the house wish for a war establishment in time of peace: No, sir, what we object to is, that a speech which breathed nothing but war, and accompanied with the motives of such a declaration,

ration, should, without any cause whatever assigned, at once sink into a tranquil silence; a peace establishment formed on the lowest scale. I am not now contending what the establishment ought to be; but I contend, that that already voted by no means corresponds with the intimations given to this house by authority. I know that a heavy peace establishment is ruinous and destructive to any country where it is kept up. I remember very well too, that I, among others on these benches, have been long dinning that in the ears of the minister. I remember likewise, that for so doing we were called factious and discontented. And I am now happy in the flattering idea, that factious and discontented as we are, we happened for once to be right; for the great man who conducts the public affairs of this country, hath given ample testimony to our wisdom, by adopting what he and his friends for three successive sessions charitably imputed to ignorance or disappointed ambition. Nor am I less happy in another instance of the same kind. The noble Lord below me on the floor [Lord Beauchamp] being requested to know from the minister, if he had any information to lay before us, or measures to propose, came posting to the house with the halcyon tidings, that all was peace and tranquility; and that he had none. Here again the same factious spirit obtruded, and broke the calm enjoyments which might be derived from such a happy state of things; for some of us, who are never to be satisfied, relapsed into our former turbulence and discontent. What was the consequence? Why, it seems turbulence and discontent once more had reason on their side, and the minister came forward and assured us himself, that he had information to lay before the house, and measures to propose. I cannot sit down without saying a word or two on the solicitude the honourable member on my left hand [Mr. Hartley] has expressed for the situation of General Gage, and the troops under his command. It is, I confess, most humiliating and mortifying; and it is difficult to say, whether those who have put them into it deserve most our compassion or our ridicule. It is, indeed, an absurdity without parallel; a warlike parliament, and a patient forbearing general. I would not be understood to reflect on the gentleman, who I understand is a very worthy, intelligent, deserving man; no, sir, it is those who have sent him on such an errand that are to blame. The order of things is reversed in this new system. The rule of government now is to determine hastily violently, and without consideration, and execute indecisively, or rather not execute at all. And have not the consequences exactly corresponded with such a mode of

proceeding? They have been measures, not practicable in themselves in any event, nor has one step been taken to put them into execution. The account we have is, that the general is besieging and besieged; that he had cannon sent to him, but they were stolen; that he himself has made reprisals of a similar nature on the enemy; and that his straw has been burnt, and his brick and mortar destroyed. It is painful to dwell on such monstrous absurd circumstances, which can be only a subject of ridicule, if it did not lead to consequences of a very serious and alarming nature. In fine, sir, your army is turned out to be a mere army of observation; and is of no other use but as an asylum for magistrates of your own creating.

Sir *William Meredith* rose, and after animadverting on the last speaker's being so eager to push things to extremities, which must end in a scene of bloodshed, imputed all the present troubles to the declaratory act asserting the supremacy of Great Britain, at the time of the repeal of the stamp act. He contended that the general had answered every purpose for which he was sent. The troops, he said, were for the protection of the magistrates, the protection of property and trade of the merchants, and the enforcing of the acts, all which had been fully accomplished; for the persons of the magistrates were safe, no injury had been done to any property since their arrival, and the port was now blocked up.

Mr. *Burke* arose, and complimented Sir William on his great wisdom, and the sagacity of administration, in discouraging of which, if they had applied to him, he could have long since informed them. He once more returned to the asylum for magistrates. He said he had often heard of such places for thieves, rogues, robbers, and female orphans; but it was the first time he ever heard of any asylum for magistrates. As to the protection of trade, in a place where all sort of trade or commerce was prohibited, the task was a glorious, but not a difficult one. And as to the blocking up an harbour, it might be very true, but to him this mode of blockade seemed rather novel. Such an expression, it is certain, says he, might come with great propriety from me; but I must confess I never heard such a bull in my own country. At the entrance of Dublin harbour there is a north and south bull, but even there or elsewhere, such a bull as this I never heard.

Mr. *Cornwall* rose with some warmth. He observed, that there was no question now before the committee, respecting America; that it was extremely irregular, improper, and unfair, to introduce a discourse of this kind, just at the eve of

ration, should, without any cause whatever assigned, at once sink into a tranquil silence; a peace establishment formed on the lowest scale. I am not now contending what the establishment ought to be; but I contend, that that already voted by no means corresponds with the intimations given to this house by authority. I know that a heavy peace establishment is ruinous and destructive to any country where it is kept up. I remember very well too, that I, among others on these benches, have been long dinning that in the ears of the minister. I remember likewise, that for so doing we were called factious and discontented. And I am now happy in the flattering idea, that factious and discontented as we are, we happened for once to be right; for the great man who conducts the public affairs of this country, hath given ample testimony to our wisdom, by adopting what he and his friends for three successive sessions charitably imputed to ignorance or disappointed ambition. Nor am I less happy in another instance of the same kind. The noble Lord below me on the floor [Lord Beauchamp] being requested to know from the minister, if he had any information to lay before us, or measures to propose, came posting to the house with the halcyon tidings, that all was peace and tranquility; and that he had none. Here again the same factious spirit obtruded, and broke the calm enjoyments which might be derived from such a happy state of things; for some of us, who are never to be satisfied, relapsed into our former turbulence and discontent. What was the consequence? Why, it seems turbulence and discontent once more had reason on their side, and the minister came forward and assured us himself, that he had information to lay before the house, and measures to propose. I cannot sit down without saying a word or two on the solicitude the honourable member on my left hand [Mr. Hartley] has expressed for the situation of General Gage, and the troops under his command. It is, I confess, most humiliating and mortifying; and it is difficult to say, whether those who have put them into it deserve most our compassion or our ridicule. It is, indeed, an absurdity without parallel; a warlike parliament, and a patient forbearing general. I would not be understood to reflect on the gentleman, who I understand is a very worthy, intelligent, deserving man; no, sir, it is those who have sent him on such an errand that are to blame. The order of things is reversed in this new system. The rule of government now is to determine hastily violently, and without consideration, and execute indecisively, or rather not execute at all. And have not the consequences exactly corresponded with such a mode of

proceeding? They have been measures, not practicable in themselves in any event, nor has one step been taken to put them into execution. The account we have is, that the general is besieging and besieged; that he had cannon sent to him, but they were stolen; that he himself has made reprisals of a similar nature on the enemy; and that his straw has been burnt, and his brick and mortar destroyed. It is painful to dwell on such monstrous absurd circumstances, which can be only a subject of ridicule, if it did not lead to consequences of a very serious and alarming nature. In fine, sir, your army is turned out to be a mere army of observation; and is of no other use but as an asylum for magistrates of your own creating.

Sir *William Meredith* rose, and after animadverting on the last speaker's being so eager to push things to extremities, which must end in a scene of bloodshed, imputed all the present troubles to the declaratory act asserting the supremacy of Great Britain, at the time of the repeal of the stamp act. He contended that the general had answered every purpose for which he was sent. The troops, he said, were for the protection of the magistrates, the protection of property and trade of the merchants, and the enforcing of the acts, all which had been fully accomplished; for the persons of the magistrates were safe, no injury had been done to any property since their arrival, and the port was now blocked up.

Mr. *Burke* arose, and complimented Sir William on his great wisdom, and the sagacity of administration, in discouraging of which, if they had applied to him, he could have long since informed them. He once more returned to the asylum for magistrates. He said he had often heard of such places for thieves, rogues, robbers, and female orphans; but it was the first time he ever heard of any asylum for magistrates. As to the protection of trade, in a place where all sort of trade or commerce was prohibited, the task was a glorious, but not a difficult one. And as to the blocking up an harbour, it might be very true, but to him this mode of blockade seemed rather novel. Such an expression, it is certain, says he, might come with great propriety from me; but I must confess I never heard such a bull in my own country. At the entrance of Dublin harbour there is a north and south bull, but even there or elsewhere, such a bull as this I never heard.

Mr. *Cornwall* rose with some warmth. He observed, that there was no question now before the committee, respecting America; that it was extremely irregular, improper, and unfair, to introduce a discourse of this kind, just at the eve of

of an adjournment, in such a disorderly, unparliamentary manner; that he suspected it was done on purpose to embarrass administration, by conveying to the people, through the medium of the public papers, that administration were silent, and would not, or were not able, to answer; that the effect of such a conduct might be of a very bad tendency, considering the very various and contradictory opinions entertained at almost every side of the house; that pressing for an increased establishment, though it should be necessary, if complied with at this time, would be extremely imprudent, as it would spread an alarm among the merchants, on account of their property; because, from the instant such a measure was determined on, all remittances, or perhaps commercial intercourse, might possibly cease, which, if it should happen, might be productive of the most fatal and dreadful effects; and concluded by asserting, that the measures now sported with, would stand the test; and that, from any thing which had hitherto happened, there was not the most distant reason for condemning them.

Mr. Townshend, and Mr. Hartley.

Mr. *Townshend* and Mr. *Hartley* justified themselves, as being within order.

The question was put, and the house agreed with the committee in the resolution of a three shillings land tax for 1775.

December 22.

An attempt was made to introduce a petition complaining of an undue election, for Cullen Elgin, &c. but it having been moved the day after the expiration of the standing order, the house did not chuse to receive it.

Adjourned to the 19th of January, 1775.

January 19, 1775.

The House met.

Lord North presented the House, by his Majesty's command, a number of papers, relating to the affairs of America, consisting principally of letters between the ministers and the governors of the provinces in America. The clerk having read the titles, Mr. *Burke* observed, there were no letters from Maryland, and desired the noble Lord would inform the House whether any letters from Maryland had been received; or whether they were kept back for political reasons; and whether these papers contained all the intelligence the ministers had received from America. Mr. *Burke*

Lord *North* replied, that he had brought the papers, but had not examined them; neither did he know whether there were any letters from Maryland or not; that if there were any, they should be laid before the House. As to the papers containing all the intelligence from America, he would not undertake to say they did, as those he had brought were extracts, containing only the facts in the original letters; that the authors opinions were not mentioned, it having been frequently found, that the private opinions of people in office being made public, had been attended with bad consequences, therefore his Majesty's servants had determined, for the future, never to mention the private opinion of any person. Lord *North*

Mr. *Burke* said, that in some cases it might be proper to keep secret the private opinion of a person; yet, in so critical and alarming an affair as that of the Americans, the opinion of a man in power, on the spot, must be of great service; he therefore was of opinion, that the whole of the information received from America ought to be laid before the House, and not extracts of particular letters, such as suited the minister's purpose. Mr. *Burke*

Lord *North* moved, that the said papers be referred to the consideration of a committee of the whole House, on the 26th. Lord *North*

Extract of a Letter from the Earl of Dartmouth to the Honourable Governor Gage. Dated Whitehall, 9th April, 1774.

THE King having thought fit that you should return immediately to your command in North America, and that you should proceed directly to Boston, on board his Majesty's ship *Lively*, now lying at Plymouth, ready to sail with the first fair wind. I send you herewith, by his Majesty's command, a commission under the great seal, appointing you Captain General and Governor in chief of his Majesty's province of Massachusetts Bay, together with such instructions

tions as have been usually given to governors of that province, for their guidance in the exercise of the ordinary and more permanent powers and authorities incident to that command.

What is further necessary for your direction in the present state of disorder and commotion within that province, and for enabling you to carry into execution the measures that have been, and probably will be adopted, for reducing it to a state of obedience to lawful authority, is of a more delicate and important nature, and requires more precise and particular instructions.

With this letter you will receive an act of parliament passed in the present session, for discontinuing the loading and unloading of goods and merchandize at the town and within the harbour of Boston; and also a minute of the treasury-board, containing the substance of such instructions as their lordships have thought fit to give to their officers in consequence thereof; and it is the King's command that you do give them all proper and necessary assistance and support in the execution thereof.

To this end it will be expedient that you do, immediately upon your arrival, and so soon as your commission has been read and published, in the usual form, appoint a meeting either at the town or within the castle (as circumstances shall point out) with the commander in chief of his Majesty's ships, the lieutenant governor, the commissioners of the customs, the chief justice, and the secretary of the province, in order to consider what steps it may be proper to take, for carrying the act into execution, and for enforcing, if necessary, a due obedience thereto; and if Mr. Hutchinson should not be come away, in consequence of the leave he has obtained for that purpose, his advice and assistance, in this case, as well as in the execution of every other part of your instructions, will be of very great use and advantage to you.

His Majesty trusts that no opposition will, or can, with any effect, be made to the carrying the law into execution, nor any violence or insult offered to those to whom the execution of it is entrusted: should it happen otherwise, your authority, as the first magistrate, combined with your command over the King's troops, will, it is hoped, enable you to meet every opposition, and fully to preserve the public peace, by employing those troops with effect, should the madness of the people, on the one hand, or the timidity or want of strength of the peace officers on the other hand, make it necessary to have recourse to their assistance. The King trusts, however, that such necessity will not occur, and commands me to say, that it will be your duty to use every endeavour to avoid it; to quiet the minds of the people, to remove their prejudices, and, by mild and gentle persuasion, to induce such a submission on their part, to this law, and such a proper compliance with the just requisitions it contains, as may give full scope to his Majesty's clemency, and enable his majesty to exercise the discretionary power given him by the act, of again restoring to the town of Boston, these commercial privileges and advantages which it hath so long enjoyed, and

and which have raised it to its present state of opulence and importance.

At the same time the sovereignty of the King, in this parliament, over the colonies, requires a full and absolute submission, and his Majesty's dignity demands that until that submission be made, the town of Boston, where so much anarchy and confusion have prevailed, should cease to be the place of the residence of his governor, or of any other officer of government, who is not obliged by law to perform his functions there. It is therefore his Majesty's further pleasure, that so soon as the law for discontinuing the port shall have taken place, and every step has been pursued that is necessary to insure the execution of it, you do make the town of Salem the place of your residence, that you do require all officers (not included in the above exception) to attend you there; and that the general court, and all other courts and offices which are not by law fixed at Boston, be appointed and held at Salem, until his Majesty, satisfied on your representation, that the laws of this kingdom will be duly observed, and government be again administered at the town of Boston without opposition, shall have signified his royal will and pleasure for the return of his governor to, and for holding of the general court at that town.

The proceedings of the body of the people at the town of Boston, in the months of November and December last, were of such a nature and criminality as to have fixt a deep degree of guilt upon those who were the principal ringleaders and abettors of those proceedings, and the measures proper to be taken for inducing the punishment of such guilt, become a very necessary part of the present consideration, relative to the state of the province of Massachusetts Bay.

The King considers the punishment of these offenders as a very necessary and essential example to others, of the ill consequences that must follow from such open and arbitrary usurpations as tend to the subversion of all government, and the rendering civil liberty unsafe and precarious; and his Majesty's subjects in the province of Massachusetts Bay in general, cannot give a better test of their love of justice, and respect for the constitution, than in their zealous endeavours to render effectual a due prosecution of such offenders.

If, however, the prejudices of the people should appear to you to be such as would in all probability prevent a conviction, however clear and full the evidence might be, in that case it would be better to desist from prosecution, seeing that an ineffectual attempt would only be triumph to the faction, and disgraceful to government.

The foregoing is all that I have at present in command from the King to say to you. I need not suggest to you the very great advantage that will result from your obtaining a just and perfect knowledge of the characters, inclinations and tempers of the principle people in the colony; such information must, of necessity be of great benefit, and your own discretion will point out to you the use that is to be made of it.

The last advices from Boston are of a nature to leave but little room to hope that order and obedience are soon likely to take place of anarchy and usurpation; his Majesty however confides in your fortitude and discretion, and doubts not that all other officers, civil and military, animated by your example, will exert themselves in such a manner, in support of the constitution, and for enforcing obedience to the laws, as will recommend them to his Majesty's royal grace and favor,

COPY of a MINUTE of the TREASURY BOARD.

Whitehall Treasury Chambers, 31st March, 1774.

PRESENT,

LORD NORTH, MR. TOWNSHEND, LORD BEAUCHAMP, MR. CORNWALL.

MY lords take into consideration an act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading and shipping of goods, wares and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America; and being desirous that the provisions of the said act should be carried into execution, with all possible vigilance, dispatch and circumspection, as far as the same relate to the officers of his Majesty's customs, established in the same town and province, transmit a copy of the said act to the commissioners of the customs in America, and direct them forthwith to take such steps as they shall find necessary for the removal of their board from the said town of Boston to the town of Salem, in the said province of Massachusetts Bay, and that as soon as proper offices can be prepared for their reception and accommodation.

Direct them, together with all the officers belonging to their board, to repair to the said town of Salem, and there to execute the duties and functions of their commission, until they shall receive further orders, respecting the future residence and establishment of their board.

Direct them, at the same time, to give orders for the removal of the collector, comptroller, surveyor, and such other officers of the port of Boston as they shall judge necessary, to the town of Plymouth, or to the island of Nantricket, or to such other town or place within the limits of the said port, as shall appear to them most proper and most convenient for the trade of his Majesty's subjects; and let the said collector, and other officers, be ordered to establish themselves in the said town of Plymouth, or such other town or place as the commissioners shall appoint, within the limits of the said port of Boston, and there to proceed and carry on, in the usual manner, the business of their several departments in the collection and management of his Majesty's customs, and in the execution of the laws of trade.

And in as much as it may be reasonably expected, that the trade within the port of Salem and Marblehead will be considerably increased during the continuance of the said act of parliament, and may require

require an additional number of officers to be stationed at those places to transact the business of the customs,

Direct the commissioners to take with them to Salem such of the tidesmen and incidental officers, now employed at Boston, as they shall think the service at Salem and Marblehead may demand; and recommend to their particular care and attention, that clause of the said act which relates to vessels carrying coastwise, under the restrictions therein mentioned, fuel and victual for the necessary use and sustenance of the people of the town of Boston; and direct them to give express orders to the proper officers, to be vigilant and alert in visiting and searching all such vessels laden with fuel and provisions, as aforesaid, which shall enter the harbour of Marblehead, for the purpose of obtaining a transire, or let pass, pursuant to the said act of parliament; and, in case it shall appear to the officers employed on that service, by information, or by any probable cause of suspicion, that there are concealed on board any such vessels, any goods, wares, or merchandize, other than such fuel or victual, that then, and in every such case, such officers should be directed to oblige the master, or commander, of such vessel so informed against, or suspected, to unlade his cargo before he obtains such transire, or let pass, in order to proceed to the town of Boston.

Let the commissioners take care, that, after the first day of June, 1774, and during the continuance of the said act, no officers of the customs whatsoever be suffered to reside within the town or harbour of Boston.

In consideration of the losses which the collector, comptroller, and other officers upon the establishment, within the said port of Boston, must inevitably suffer by the diminution of the fees and perquisites of the respective offices, during the continuance of the said act,

My lords direct the commissioners to report to their lordships, as soon as they can form any opinion of the matter, how much it may be reasonable to allow to such officers respectively, as a compensation for such their losses. Direct them, from time to time, by every opportunity, to inform my lords of the several steps they shall have taken in the execution of the said act, and of their lordships orders.

Acquaint them, that they, and all the officers under their authority, may depend on being supported and protected in the execution of the duties of their respective offices.

Inform them, that the lords commissioners of the admiralty have dispatched orders to the admiral, commanders, and commissioned officers of his Majesty's ships of war on that station, to use the utmost vigilance and activity in the execution of the several provisions of the said act of parliament; and in case any of the officers in any of his Majesty's ships, or sloops of war, shall see occasion to require any officer, or officers of the customs, to be put on board any of the vessels under their command, direct the commissioners to take care that all such requisitions be duly complied with.

Transmit

Transmit a copy of this minute to Mr. Stephens, for the information of the lords of the admiralty, and to Mr. Pownal, for the information of the earl of Dartmouth.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, 19th May, 1774.

[Received 22d June.]

HIS Majesty's ship the Lively, in which I embarked at Plymouth on the 16th of April, arrived here on the 13th of this month. The late governor Hutchinson, the chief justice, the commissioners of the customs, and the consignees, were either at the castle, or dispersed in the country, not daring to reside in Boston: I went to Mr. Hutchinson, and remained with him at Castle William till preparations were made for my reception in Boston, where my commission was read and published, in the usual forms, on the 17th instant.

The act for shutting up the port, got here before me; and a town meeting was holding to consider of it, at the time of my arrival in the harbour. They determined to invite the other colonies to stop all exports and imports to and from Great Britain and Ireland, and every part of the West Indies, till the act be repealed, and appointed persons to go to Marblehead and Salem to communicate their sentiments to the people there, and bring them into like measures; which persons were to make their report at the adjournment, on the 18th, when the meeting was again held, and, I am told, received little encouragement from Salem and Marblehead, and transacted nothing of consequence.

I do not propose laying any thing before the new assembly at their meeting, except the common business of the province, if any occurs. I hear from many, that the act has staggered the most presumptuous; but minds so inflamed cannot cool at once; so it may be better to give the shock they have received, time to operate, and I may find the assembly in a better temper than usual, and more inclined to comply with the King's expectations at Salem, to which place they will be removed after the first of June.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, 31st May, 1774.

I Wish I had met with a ready disposition to comply with the terms of the act of parliament, instead of a resolution to ask assistance from the other colonies; but I don't find there is any inclination in the rest to shut up their ports, which was not to be expected, considering what they before suffered from their non-importation agreements. If they intend, or not, to take any resolutions in behalf of Boston, farther than giving good words, is not known here.

The violent party seems to break, and people fall off from them, but no means are yet adopted to comply with the act. The assembly has shewn no disposition to begin upon it, but were hurrying the business

business of supplies through their house, to throw it off themselves, and to avoid meeting at Salem, by adjourning themselves when the supplies had passed their house ; but receiving intelligence of their designs, I adjourned them, on a sudden, to the 7th of June, and then to meet at Salem.

They as yet have only presented me with a petition to proclaim a day of fasting and prayer, but as they have lately had a day of the kind, according to custom, and as I saw no cause for an extraordinary day of humiliation, I have judged it best not to comply.

I had a meeting with the late governor, the admiral, and commissioners of the customs, on the subject of putting the act in force, in which, after putting some questions to the attorney general, the chief justice being absent, they appeared to agree in the manner of it. The officers of the customs remove to-morrow, when I also propose to leave Boston, and the admiral has stationed his ships.

No design has appeared of opposing the execution of the act, nor do I see any possibility of doing it with effect ; but many are impatient for the arrival of the troops ; and I am told that people will then speak and act openly, which they now dare not do. General Haldimand took the opportunity of a vessel in the service, to send a detachment of sixty artilleryists and eight pieces of ordnance, from New York to Castle William, which I propose to encamp with the troops.

Extract of a Letter from the Earl of Dartmouth to the Honourable Governor Gage, dated Whitehall, 3d June, 1774.

SINCE you left England, the parliament has made a very considerable progress in the American business, and I send you herewith, by the King's command, two acts to which his Majesty gave the royal assent a few days ago.

These acts close the consideration of what relates to the state of your government, and it is hoped that they will have the good effect to give vigour and activity to civil authority ; to prevent those unwarrantable assemblings of the people, for factious purposes, which have been the source of so much mischief ; and to secure an impartial administration of justice in all cases where the authority of this kingdom may be in question.

The act for the better regulation of the government of the province of Massachusetts Bay, provides, that from the 1st of August next, all elections of the council under the authority of the charter, shall be void, and that, for the future, the council shall be appointed by the King.

In consequence of that provision, his Majesty has, with the advice of his privy council, nominated thirty-six persons, qualified as the act directs, to be the council of Massachusetts Bay, from and after the time limited for the continuance of the present council ; and inclosed herewith I send you his Majesty's additional instruction, under the sign manual, authorizing and requiring you to assemble the said council,

cil, and containing such further directions as are thought necessary and incident to this new establishment, and as correspond with the provisions of the act in relation thereto.

It would perhaps have been in some respects desirable, that it might have been left to the King's discretion, to have directed that, in case of the death or absence of both governor and lieutenant governor, the administration of government should have been devolved upon the senior counsellor, as in other governments, but as the act reserves to the new council all the liberties, privileges, and immunities enjoyed by the other, except in the cases provided for, it is apprehended that such direction cannot be given, and for the same reason it has appeared at least doubtful, whether the crown could delegate to you the powers of suspension and appointment to vacancies *pro tempore*, exercised in the other royal governments. In this situation it became the more necessary that a lieutenant governor should be immediately appointed; and the King having, upon Mr. Hutchinson's recommendation, nominated Mr. Oliver of Cambridge to that office, inclosed I send you his Majesty's sign manual, containing his appointment.

There is little room to hope that every one of the persons whom his Majesty has appointed to be of his council, will be induced to accept that honour, for there can be no doubt that every art will be practised to intimidate and prejudice. I trust, however, that the number of those who decline will not be so considerable as to involve you in any difficulty on that account, or to create any embarrassment in the execution of a measure upon which so much depends.

Whatever vacancies may be created, by any of the present members refusing to act, ought to be filled up as soon as possible, and therefore you will transmit to me by the first opportunity, the names of such persons as you think best qualified for that trust, and the most likely to give weight and authority to the measures of government, taking care, at the same time, not to propose any from whom you have not received assurances of their readiness to accept the office.

It is to be expected that every artifice which has been hitherto used with so much success, to keep alive a spirit of sedition and opposition in the people, will be exerted on the present occasion, to entangle and embarrass; but the King trusts that by temper and prudence on the one hand, and by firmness and resolution on the other, you will be able to surmount all the obstacles that can be thrown in your way.

It is impossible to foresee what those obstacles may be. If the general court should happen to be sitting, at the time when the new constitution of the council is to take place, every advantage will probably be taken that such a situation affords, to create difficulties and throw the business into perplexity; but however that may be, and whatever may be urged, there can be no doubt that a prorogation at least will become absolutely necessary, in order to put an end to any business that may be depending before the old council. Perhaps cir-

cumstances

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circumstances may require a dissolution, but it is much to be wished, that if possible such a measure may be avoided.

The letters received from Mr. Hutchinson since you sailed from Plymouth, contain an account of the public proceedings down to the 5th of April, at which time it does not appear that any intelligence had been received in the province of the steps that were taking here. It was therefore reasonable to suppose that the conduct and measures of the faction would be, as they actually were, of the same colour and complexion with those they had before pursued.

The impeachment of the chief justice seems to have been the favourite object of both council and assembly; but as Mr. Hutchinson had with equal firmness and discretion defeated that measure by prorogation, it is not necessary for me to say more upon so extravagant a proceeding, than that it was altogether an unwarrantable assumption of power, to which that government is not, I conceive, either in the nature or principles of it, in any degree competent.

To what further extravagance the people may be driven it is difficult to say; whatever violences are committed must be resisted with firmness; the constitutional authority of this kingdom over its colonies must be vindicated, and its laws obeyed throughout the whole empire.

It is not only its dignity and reputation, but its power, nay its very existence depends upon the present moment; for should those ideas of independence, which some dangerous and ill-designing persons here are artfully endeavouring to instill into the minds of the King's American subjects, once take root, that relation between this kingdom and its colonies, which is the bond of peace and power, will soon cease to exist, and destruction must follow disunion. It is not the mere claim of exemption from the authority of parliament in a particular case that has brought on the present crisis; it is actual disobedience and open resistance that have compelled coercive measures, and I have no longer any other confidence in the hopes I had entertained that the public peace and tranquility would be restored, but that which I derive from your abilities, and the reliance I have on your prudence, for a wise and discreet exercise of the authorities given to you by the acts which I now send you.

The powers contained in the act for the more impartial administration of justice do, in particular, deserve your attention, for it is hardly possible to conceive a situation of greater difficulty and delicacy than that which a governor would be in, if reduced to the necessity of exercising his discretion in the case provided for; but it is a case that I trust will never occur, and I will hope, that notwithstanding all the endeavours, equally flagitious and contemptible, used by a few desperate men to create in the people ideas of more general resistance, the thinking part of them will be awakened to such a sense of their true interests, and of the miseries that await a further continuance of these unhappy disputes, as to exert their best endeavours for a preservation of the public peace, and thereby give such effect and countenance to

the civil authority, as to render any other interposition than that of the ordinary civil magistrate unnecessary.

There is another American bill for making more effectual provision for quartering of his Majesty's troops, that has passed both houses, and waits for the royal assent, which although of general purport, is founded principally on a case that occurred in the province of Massachusetts Bay.

You will remember what happened at Boston in 1770, respecting the quartering the two regiments sent thither from Halifax, and the artifices used by forced constructions of the act of parliament to elude the execution of it, and to embarrass the King's service. It order therefore to prevent the like in future, the present bill is adopted, and inclosed I send you a printed copy of it, hoping to be able to send the act itself by the first ship.

Extract of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth, dated Salem, 26th June, 1774.

My LORD,

THE general court met here on the 7th instant, and, after the inclosed protest, proceeded to business, and sent me the inclosed address. During the short sessions, several private bills, and a tax bill were passed.

A committee of the house sat for some days, keeping their business very secret; but giving out, they were upon moderate and conciliating measures. They made their report, I am informed, on the 17th instant, when the door was ordered to be locked; but their proceedings getting abroad, I sent the secretary to dissolve them. They would not admit him, and he was obliged to do it by proclamation, on the outside of the door. I transmit your lordship the resolves they have published.

The council sent me the inclosed libel, on my predecessors in this government, in an address; on which account, I refused to receive it, sending them the reasons for my refusal, which I also send your lordship.

If the dissolution will be productive of good, or not, remains to be known; but the contrivers of all the mischief in the town of Boston, I am informed, are now spiriting up the people throughout the province to resistance, as well to the port bill, as to three other acts daily expected, rough draughts of which were printed here about the 4th instant, and the speeches made upon them in the house of commons, published in the news-papers. Sensible and well-affected people have told me, they have no doubt that their intention is to try to raise the province to arms; but I hope they suspect and fear too much: and, however prone their inclinations may be to so wicked a project, I trust they want power to effect it.

In Boston the greatest pains have been, and are taking, to oppose all measures tending to open the port, by flattering the people with assistance

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assistance from the other provinces, promises of collections, and presents to enable them to subsist, and the happy effects of a general congress, which, they make no doubt, will force Great Britain into their own terms. On the other hand, several gentlemen who, through fear of the tyranny under which they have lived, dared not to act or speak, encouraged now, by the late resolutions of government, have ventured to step forth, and are endeavouring to persuade the people to comply with the act of parliament, as the only means to save their town from ruin. Till they are pinched, and find they are deceived in their hopes of support, by presents and collections, the affair will probably rest in this situation; but the act must certainly, sooner or later, work its own way.

They will not agree to non-importation either at New York or Philadelphia, or even in this province, though I believe a congress, of some sort, may be obtained; but when, or how it will be composed, is yet at a distance: and, after all, Boston may get little more than fair words.

I got the consent of council to my nomination of Mr. Justice Brown, of the inferior court of Essex county, to succeed the late judge Ropes, as judge in the superior court, and he is appointed and sworn in accordingly.

The 4th and 43d regiments encamped on Boston common the 14th and 15th instant; the latter came into the harbour the 1st instant, but their tents having, by mistake, been put into the transports of the 4th regiment, they were obliged to wait for them. Their arrival has given spirits to the friends of government, and we are looking out for the troops from Ireland: three companies, from thence, of the 5th regiment, are arrived, and the remainder may be daily expected.

Extract of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth, dated Salem, 5th July, 1774.
[Received 2d August.]

My LORD,

SINCE my letter, No. 3, of the 26th ult. a number of the better sort of people attended a town meeting at Boston, with design to make a push to pay for the tea, and annihilate the committee of correspondence, but they were out-voted by a great majority of the lower class. The minority drew up a protest, which I transmit your lordship from a news-paper.

The above committee had sent a circular letter through the province, accompanied with a paper called a *league and covenant*, of so pernicious tendency, that I judged it proper, without loss of time, to publish a proclamation to prevent the ill effects of it, as much as possible. I enclose your lordship a copy of the proclamation, together with printed copies of the letter and covenant; and also part of a news-paper, containing as much of the proceedings of the abovementioned town meeting, as the faction chose to publish, and a protest of a number of gentlemen

lemen of the county of Worcester, against all riotous disorders, and seditious practices.

Your lordship will perceive, that the proclamation is not published with advice of council. There was no time to lose; I had a right to issue it without their consent, as I was confident I could not obtain it. I gave notice afterwards for a council to assemble, intending to lay the letter and covenant before them; but, on the day appointed for the meeting, one who had been summoned, did not appear, so that there was not enough to make up a *quorum*: some of those who attended gave me to understand, that they should desire a general council to be called, before they entered upon such business.

I have done all in my power to spirit up every friend to government, and the measures taken by administration encourage many to speak and act publicly, in a manner they have not dared to do for a very long time past. Your lordship will observe, that there is now an open opposition to the faction, carried on with a warmth and spirit unknown before, which it is highly proper and necessary to cherish and support by every means; and I hope it will not be very long before it produces very salutary effects. Your lordship is acquainted with the usurpation and tyranny established here by edicts of town meetings, enforced by mobs, by assuming the sole use and power of the press, and influencing the pulpits; by nominating and intimidating of juries, and, in some instances, threatening the judges; and this usurpation has, by time, acquired a firmness, that, I fear, is not to be annihilated at once, or by ordinary methods. A free and impartial course of justice, whereby delinquents can be brought to punishment, I apprehend to be the chief thing wanting: the terror of mobs is over, and the press is becoming free.

Although I do not credit many reports and opinions sent me, yet I do not hold it prudent totally to disregard them; and, on that account, I have ordered the transports which brought the 4th regiment here, to proceed to the port of New York, and wait there for farther orders. I intend, if I see occasion for it, to bring a regiment here from thence; and the transports of the 43d are kept in readiness to sail for Halifax on the same errand; these motions, I hear, give spirits to one side, and have thrown a damp on the other.

I heard yesterday, that all the transports from Ireland are come in, except one of the 5th regiment, with Lord Percy on board, and she was seen a day or two past, so that I hope to find her in harbour tomorrow, on my getting to Boston, where I propose to pass some days, finding that my presence there will be necessary.

I have, &c.

THO. GAGE.

POSTSCRIPT.

Boston, 6th July.

I have the pleasure to acquaint your lordship, that the last transport, with Lord Percy on board, is arrived; as also, the store ship with many officers belonging to the regiments in America.

T. G.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, 20th July, 1774.

AFFAIRS continue here much in the same situation as when I wrote to your lordship on the 6th inst. though I don't find the merchants have repeated their attempt to comply with the port bill, with the spirit I hoped for. Materials wanted to carry on trades, I am told, begin to fail; and the carrying molasses and rum twenty-eight miles by land, is found not to answer as well as it was expected it would: but the people are kept up by the assurances of assistance from the other colonies, where their leaders have contrived to raise a flame, which has not been a little increased by letters, speeches, and paragraphs sent from England.

South Carolina has sent some rice for the support of the people here; I don't mean the province, but some disaffected persons in Charlestown: and a few sheep, tis said, has been sent from some other place; but resources of this kind are too precarious to be depended upon, and must fail them. The great object here has been to persuade the other colonies, to make the cause of Boston the common cause of America; and when the deputies for holding the general congress assemble, the Boston faction, it's probable, will pay the rest the compliment of taking their advice; and I understand it to be the opinion of most of the other colonies, that Boston should begin by indemnifying the India Company. The virulent party at New York is routed, and, we are told, that Philadelphia is moderate.

I have not yet received the new act for the better government of this province, though it is printed here, and many tell me, I must expect all the opposition to the execution of it that can be made. I hope the new counsellors and the magistrates will be firm.

The fast day appointed by the faction, was kept in this town on the 14th instant, as generally, and as punctually, as if it had been appointed by authority. I might say the same of most other places, tho' it was not universal, for in a few places no regard was paid to it; but the league and covenant has not succeeded as the faction expected.

They rely here to obtain all their ends on the same measures as they before adopted, viz. an union of the colonies, a non-importation, if their demands are not satisfied, the assistance of their friends in England, and a general clamour of the merchants and manufacturers.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Salem, 27th July, 1774.

ILEFT Boston the 21st instant, to meet the council at Salem, for the issuing of money to pay debts incurred; and yesterday morning received a printed notification of a town meeting to be held that day at Boston, of which I send your lordship a copy.

In

In my letter, No. 6, I express an expectation of opposition to the act expected for the better government of the province; and the notification for the town meeting seems to be a prelude to it. Whatever the opposition is, I will do my best to defeat it, and take every step I can to enforce the law.

Copy of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Salem, 27th August, 1774.

[Received 1st October.]

My LORD,

I HAD the honour to receive your lordship's separate letter, dated 3d of June, on the 6th instant, in which came inclosed two acts of parliament for regulating the government of the Massachusetts Bay, and for the more impartial administration of justice in the said province, together with an additional instruction to the governor, Mr. Oliver's appointment of lieutenant governor, and a printed copy of an amendment to the mutiny bill for America, relating to the clause for quartering the King's troops.

No time was lost in forming the new council. I assembled all the members who could be collected, on so short a notice, on the 8th instant, and appointed the whole to meet on the 16th. The list inclosed will inform your lordship of the names of the gentlemen sworn in, of those who have refused to accept the nomination, or are wavering, absent, or dead.

The twenty-four who have accepted the honour the King has conferred upon them, are as respectable persons as any in the province, and the lieutenant governor is generally approved of by all parties. I must defer sending your lordship recommendations to the vacancies, to another opportunity; for though I have several in my mind, I am first to be assured of their willingness to act; and the number of counsellors being considerable, gives time to look out for others. Your lordship judged right, that art would be practised on this occasion, to intimidate and prejudice; even force was attempted on Mr. Ruggles, by a number of people collected on the road, near Worcester, with intent to stop him, but he made his way through them.

My former letters have acquainted your lordship, that the acts in question had been published here, and people have had leisure to consider means to elude them; in doing which, they are very expert. At a town meeting, held at Boston in July, in order to avoid the calling a meeting afterwards, they adjourned themselves to the 9th of August, and adjourned again on that day, to some time in October. I assembled the select men in Boston, had the clause read respecting town meetings; told them, I expected their obedience to it, that I should put the act in force, and that they would be answerable for any bad consequences. They replied, they had called no meeting, that a former meeting had only adjourned themselves.

I laid

I laid the affair of adjournments before the new council, and found some of opinion, that the clause was thereby clearly evaded, and nearly the whole unwilling to debate upon it; terming it, a point of law, which ought to be referred to the crown lawyers, whose opinion is to be taken upon it, and by which I must govern myself.

Another clause of the act is likewise referred to the lawyers, concerning the removal of sheriffs. Upon intimating to the council my desire to remove a sheriff, some immediately objected, that it did not belong to the council, for that the governor was alone impowered to remove any of the sheriffs now in office, and that the act only required consent of council to remove such sheriffs as the governor should first appoint, by his own authority, and want to remove afterwards.

It was the unanimous opinion of the council, that an assembly should be called, as early as possibly, and writs will be issued for their meeting by the latter end of October.

The state of the province was, at the same time, taken into consideration, and a letter read that I had received from Hampshire county, an extract of which I transmit your lordship; and several members gave an account of the state of their respective counties, from whence it appeared, that the phrenzy had spread in a greater or less degree through all; of which I shall write more fully before closing my letter.

Since the unwarrantable impeachment of the chief justice, I understand he has never taken his seat upon the bench, but he has promised me to attend the superior court at Boston, towards the end of the month; and I hope he will preside also in said court, to be held at Worcester, in September, notwithstanding the threats thrown out against him. I have engaged to meet him at Boston, to prevent violence; which, from the present system, I don't expect to meet with here; and, I believe, that I must attend him also at Worcester, where I am to expect it.

By the plan lately adopted, forceable opposition and violence is to be transferred from the town of Boston to the country.

The copy inclosed of a letter from the Boston committee of correspondence to the several counties, will sufficiently evince the intention of those leaders, who, by said letter, emissaries, and other means, have contrived, while Boston affects quiet and tranquility, to raise a flame, not only throughout this province, but also in the colony of Connecticut.

The original letter is signed by the town clerk, though, from a caution lately observed, they omit his name in the news-paper, from whence the inclosed is taken.

In consequence of the new plan, popular rage has appeared at the extremity of the province, abetted by Connecticut, which the extract of the letter from Hampshire, read in council, shews; it is very high also in Berkshire county, and makes way rapidly to the rest. In Worcester they keep no terms, openly threaten resistance by arms, have been purchasing arms, preparing them, casting balls, and providing

ing powder; and threaten to attack any troops who dare to oppose them. Mr. Ruggles of the new council, is afraid to take his seat as judge of the inferior court, which sets at Worcester, on the 7th of next month, and I apprehend that I shall soon be obliged to march a body of troops into that township, and perhaps into others, as occasions happens, to preserve the peace.

The delegates, as they are called, from this province, are gone to Philadelphia, to meet the rest who are to form the general congress, and it is thought it will be determined there, whether the town of Boston is to comply with the terms of the port bill. It is not possible to guess what a body, composed of such heterogeneous matter, will determine: but the members from hence, I am assured, will promote the most haughty and insolent resolves, for their plan has ever been, by threats and high sounding sedition, to terrify and intimidate.

Some believe that the congress has been consented to in other provinces, only to amuse those among themselves who have been so strangely violent in support of Boston, and to which their own provincial factions have not a little contributed; others fear a non-importation, and I hear the merchants are sending for double the quantity of goods they usually import; and in order to get credit for them, are sending home all the money they can collect; insomuch that bills have risen at New York, above five *per cent*. From this circumstance your lordship may judge of others; they want to force you into their terms, by threatening ruin to your merchants and manufacturers, and at the same time are procuring all the merchandize they can get from them, lest they should be in want of it themselves.

The council being formed, the assembly must act with it, or annihilate the legislature, and there is a surmise that will be the case; and since the Boston committee have applied to the country; they have in some counties, I understand, held county meetings, and intend it in all; it has not transpired what has been done, but report says they mean to have no courts of justice, unless the judges agree not to obey the new acts; and that the inferior court has been stopped in Berkshire county, and the judges mal-treated. I have it only from report, but fear there is some foundation for it.

I transmit your lordship a notification posted up in Salem for the choice of deputies for a county meeting, in which your lordship will observe another evasion about town meetings, for this is called by the committee of correspondence, and not by the *select men*. Being on the spot, I issued a proclamation in the morning of the intended meeting, to prevent it, and the sheriff with other magistrates attending me; I told the committee to tell the people assembled and assembling to disperse, else I should proceed and send the sheriff to disperse them; and they, the committee, should answer for any bad consequences. The people behaved with great decency, and retired immediately, though I doubt not, as the deputies ever previously agreed to, that they did their business as effectually as if they had gone into their chamber of meet-

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Nothing but a general phrenzy can make the province suffer the inconveniences that must arise from the want of a legislature and courts of justice, therefore, hope it is only a fit of rage, that will cool; besides the courts can and will be protected in many places.

It is agreed that popular fury was never greater in this province, than at present, and it has taken its rise from the old source at Boston, though it has appeared first at a distance. Those demagogues trust their safety in the long forbearance of government, and an assurance that they cannot be punished. They chicane, elude, openly violate, or passively resist the laws, as opportunity serves; and opposition to authority is of so long standing, that it is become habitual.

In this situation I find things, and must do the best I can to put them into a better state. Connecticut, I understand, is alarmed at the alteration in this charter, which occasions the commotions in that province, and if the leaders change their plan of opposition, which has hitherto been to menace and intimidate, teize and tire out and create ideas of greater resistance in the people, and drive them to further extravagancies, I conceive we should have to oppose this province and Connecticut. I do not apprehend any assistance would be given by the other colonies. Since my last to your lordship, the 50th regiment landed from Halifax, and is encamped near Salem, and General Halimand has sent the Welsh fusileers from New York, and replaced them by the 47th regiment, from New Jersey. I believe your lordship, considering the state of affairs here, will not think it advisable for me to part with any of the regiments, and I mean to advise with the admiral about sending back the transports.

I have the honour to be, with the greatest regard, respect and esteem,

My Lord,

your lordship's most obedient and most humble servant,

THOMAS GAGE.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, September 2d, 1774.

[Received 1st October.]

YOUR lordship's dispatch, No. 6, is duly received; your lordship will know that the state, not of this province only, but of the rest, is greatly changed since Mr. Hutchinson left America.

Though I saw things were bad when I wrote from Salem, I found them much worse than I expected when I arrived here. Several of the new counsellors, who dwell at a distance, had fled from their houses, and been obliged to seek protection among the troops at Boston; in that number were Messieurs Ruggles, Edson, Leonard and Murray, and Messieurs Loring and Pepperell are lately come into town. The object of the people was to force them to give up their seats in council, which has taken effect with Mr. Paine, who was seized and roughly treated. There are bad reports of Mr. Watson, though I

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have

have no news from him, but Mr. Willard was grievously mal-treated, first in Connecticut, where he went on business; and every township he passed through in his way home, in this province, had previous notice of his approach and ready to insult him; arms were put to his breast, with threats of instant death, unless he signed a paper, the contents of which he did not know or regard. He went home, after making me that report; but the news is, that a large body was marching to his house in Lancaster, to force him to some other concessions.

Upon the first rumour of disturbance, Mr. Andrew Oliver resigned his seat in council, as have also since Mr. Isaac Winslow, Thomas Hutchinson Lee, of Cambridge, Danforth, and this moment Mr. Watson.

With regard to the clause in the new acts, relative to town meetings, so many elusions are discovered, under various pretensions of adjournments, electing to vacant offices, people assembling peaceably without notification, upon their own affairs, and withal no penalty, that no persons I have advised with can tell what to do with it; at a distance they go on as usual, but worse transactions make that matter of little consequence in the present moment.

I came here to attend the superior court, and in the intention to send a body of troops to Worcester to protect the court there, and if wanted, to send parties to the houses of some of the counsellors who dwell in that county; but finding from undoubted authority, that the flames of sedition had spread universally throughout the country beyond conception, the counsellors already drove away, and that no courts could proceed on business, I waited the event of the sitting of the superior court here on the 30th ultimo; the judges met, but could get neither grand nor petit jury.

I ordered a council to assemble; but upon the representation that they should be watched, stopped and insulted on the road to Salem, and desiring to be assembled here, I hope his Majesty will approve of my consenting to their request.

The council was of opinion, that it was very improper to weaken the troops here, by any detachments whatever, as they could not be of any use to the courts, as no jurors would appear, and, by that means defeat their proceedings; and that disturbance being so general, and not confined to any particular spot, there was no knowing where to send them to be of use, and would terminate only in dividing them in small detachments, and tempt numbers to fall upon them, which was reported to be the scheme of the directors of these operations.

It was considered, that the whole was at stake. Connecticut, and (they add) Rhode Island as furious as they are in this province; and that the first, and only step now to take, was to secure the friends of government in Boston, and reinforce the troops here with as many more as could possibly be collected, and to act as opportunities and exigencies shall offer.

I have for some time consulted with general Haldimand the securing the magazines at New York, part of which is in Castle William, though by all accounts every thing there is quiet, the people in general, moderate and well affected to all measures but taxations; and, as I don't see that the regiment there, or the part of the 18th at Philadelphia, can in any case be of any use where they are, I propose to order major general Haldimand, with those corps, to this place. I have thoughts also, of sending transports to Quebec for the 10th and 2d regiments, who were to have been relieved this year, if the internal circumstances of that province admit it. I think there can be no danger from without, as the river will be impracticable soon after they come down it, and we may be ready, in the spring, to reinforce the garrison. I am unwilling to weaken Quebec, and nothing but extremity of affairs could make me think of it.

This state of affairs, I give your lordship, is from numberless accounts from gentlemen thoroughly acquainted with the country, and who know the pitch of enthusiasm to which the people are now raised; gentlemen, who are sensible, remarkably firm, and not to be intimidated; amongst others, Messrs. Ruggles, Murray, Leonard, and Edson, who have abandoned their dwellings to the mercy of the people, as have lately Messrs. Laring and Pepperell.

Civil government is near its end; the courts of justice expiring one after another; and where there is no other reason for not suffering them, it is that the judges of the inferior courts, as well as the justices, are under the governor's influence by the new acts, though the said acts don't take place, as to juries, till next month; but he may now turn them, the judges, and justices, out at pleasure, though he has as yet made no change in them.

Precepts are issued for the calling an assembly in the beginning of next month, though uncertain whether the people will chuse representatives; but we may be assured, if chosen, that they will not act with the new council; and it is supposed, the project has been to annihilate the said council, before meeting, to throw the refusal upon the governor to act with the old council elected last sessions; so that we shall shortly be without law or legislative powers.

The judges of the superior court have been with me in a body, to represent the impossibility of carrying on the business of their court, in any part of the province; that the force here was by far too small to protect them every where, and, after all, no jurors would swear in, that it was needless laying fines, which they could not do on grand juries, there being no law for it in the province, and withal it would be in vain, the refusals being universal.

I mean, my lord, to secure all I can by degrees, to avoid any bloody crisis as long as possible, unless forced into it by themselves, which may happen. His Majesty will in the mean time judge what is best to be done; but your lordship will permit me to mention that as it is judged here, that it will be resolved to stem the torrent, and not

yield to it, that a very respectable force should take the field. The regiments are now composed of small numbers, and irregulars will be very necessary in this country, many of which of one sort or other, I conceive, may be raised here. Nothing that is said at present can palliate; conciliating, moderation, reasoning, is over; nothing can be done but by forceable means.

I transmit your lordship a minute of council, and copies of attested papers and letters.

A vast concourse of people assembled this day from various parts, about eight miles from this; they have frightened and pursued many obnoxious people, as they term them; nobody has asked assistance, and I have just received a letter from Mr. Oliver, the lieutenant governor, to beg I would, on no account, send any troops there, for that it would prove fatal to him.

Mr. Simpson, another counsellor, has just resigned.

Extract of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth, dated Boston, September 3d, 1774.

[Received 1st October.]

IN my letter of yesterday, I just made mention of a letter in the moment received from lieutenant governor Oliver. That gentleman came to me yesterday about noon, and acquainted me that a number of people had passed his house in Cambridge, going into that town, which is about eight miles from this, but that he had talked to them, and they listened to his advice, to be quiet, and return peaceably home, which they promised to do without making any disturbance. It was supposed they assembled, in order to force Messrs. Danforth and Lee, to resign their seats in council, which they had done the day before, and on account of some ammunition belonging to the province, in the arsenal in Cambridge, which I had before sent a detachment to secure, and lodged it in Castle William. It was therefore concluded that all objects being removed, for that they were satisfied of his being in the council, as he was at the same time lieutenant governor, the people would immediately go away; and he therefore begged I would not think of ordering any troops there, as there would be no occasion for it, and it could only be productive of mischief. Some hours afterwards, three of the commissioners of the customs passed through Cambridge, saw great numbers of people assembled, but no noise, and no great insult offered them, but one of them, viz. Mr. Holwell, against whom some of the chiefs of this place are piqued, sent people after him, and he was pursued almost to this town; persons were sent out, and returned with the report, that all was quiet near the town, and no numbers seen. I expected to hear from the sheriff, Mr. Phipps, if any thing extraordinary happened at Cambridge, but received no further advice till near six in the evening, when the letter which I have mentioned, and inclose, was brought me from

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from the lieutenant governor, about which time the insurgents had finished their business, and went off, after forcing him to resign his seat in council. I have found since, that when Mr. Oliver came first to me, it was in consequence of the people's desire, and of their assurances that no disturbance or violence would happen; and he was so confident in their promises, and of his own influence over them, as to go back to Cambridge, and in his way met the sheriff, whom he persuaded to go with him. They thus both fell into the snare; for they obliged the sheriff to sign a paper, as well as Mr. Oliver.

Extract of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth. Dated Boston, 20th September, 1774.

SINCE my letters by the Scarborough ship of war, I have received some letters and papers, which I transmit your lordship, relative to the proceedings in the distant counties, against the courts of justice, and resolves of a county meeting.

It is needless to trouble your lordship, with daily publications of determined resolutions, not to obey the late acts of parliament, or to allow any civil officer acting under them, from the governor to the justice, to be constitutional officers.

They talk of fixing a plan of government of their own; and it is somewhat surprizing, that so many in the other provinces interest themselves so much in the behalf of this. I find they have some warm friends in New York and Philadelphia; and I learn by an officer who left Carolina, the latter end of August, that the people of Charles Town are as mad as they are here.

The country people are exercising in arms, in this province, Connecticut and Rhode Island, and getting magazines of arms and ammunition in the country, and such artillery as they can procure, good and bad.

They threaten to attack the troops in Boston, and are very angry at a work throwing up at the entrance of the town; on which account, I have had two messages from the select men, and a third from the county of Suffolk.

People are daily resorting to this town for protection; for there is no security for any person deemed a friend to government, in any part of the country. Even places always esteemed well affected have caught the infection. The commissioners of the customs, have thought it no longer safe or prudent to remain at Salem, considering the present distracted state of every part of the province, and are amongst others come into the town, where I am obliged likewise now to reside, on many accounts.

Mr. Willard has been obliged to resign his seat in council since my last. The rest remain firm, notwithstanding daily threats of plunder, devastation and ruin, and even of assassination.

Copy

Copy of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth. Dated Boston, 25th September, 1774.

MY LORD,

THE inclosed extract of a letter from general Haldimand, with a printed bill posted up at New York, serve to shew a bad disposition of too many in that place; but I hope the general will find means to secure the stores, and that the transports will get up to the town to receive them. It was found impossible to put the troops under cover here without erecting some temporary lodgements; and on the supposition that workmen could not be procured here, it was thought expedient to send to New York; but the printed bill deterred the carpenters of that place from coming here, whilst contrary to what was imagined, the Boston artificers have undertaken our work.

The messages or addresses delivered me by the select men of Boston, and the delegates of the county of Suffolk, concerning a work at the entrance of the town, where I propose to lodge a regiment, was mentioned to your lordship in a former letter, and I now transmit printed copies of them. Your lordship will observe, that the delegates complain of misinformation, and deny a wish of independency.

Many members are chosen for the general court, that was appointed to meet at Salem, on the 5th of next month, and I have information that the old council has been summoned to attend there. The new council appointed by the King, who have taken refuge in this town, dare not attend at Salem, unless escorted there and back again by a large force, which as affairs are circumstanced will answer no end. The assembly will not act with them, and I cannot act with the old council, so that nothing but confusion can arise from a meeting of the general court, on which account I mean to fall on measures to postpone the sessions.

We hear of nothing but extravagancies in some part or other, and of military preparations from this place to the province of New York, in which the whole seems to be united. Upon a rumour propagated with uncommon dispatch through the country, that the soldiers had killed six people, and that the ships and troops were firing upon Boston; the whole country was in arms and in motion, and numerous bodies of the Connecticut people had made some marches before the report was contradicted.

Your lordship will know from various accounts, the extremities to which affairs are brought, and how this province is supported and abetted by others beyond the conception of most people, and foreseen by none. The disease was believed to have been confined to the town of Boston, from whence it might have been eradicated, no doubt, without a great deal of trouble, and it might have been the case some time ago; but now it is so universal, there is no knowing where to apply a remedy.

I am, &c.

THO. GAGE.

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P. S. I inclosed two resolution of the congress, just arrived from Philadelphia, approving the resolutions of the county of Suffolk in this province, transmitted in my letter to your lordship, No. 13.

T. G.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth. Dated Boston, 3d October, 1774.

MY LORD,

YOUR lordship's letter of the 3d of August, No. 8, was received on the 27th ult. and its duplicate by packet next day. The change that has happened in the affairs of this country, your lordship will have been made acquainted with, since the date of the above dispatch from various parts, and known with what violence the other colonies have espoused the cause of the Massachusetts Bay, though some more moderate than others. The congress is still sitting, and from some previous resolves they have published, particularly one transmitted your lordship, approving the resolves of Suffolk county, and another recommending non-importation, we do not expect much good from their deliberations.

I mentioned to your lordship my intention to postpone meeting the assembly, and you will see the proclamation to that end in the inclosed papers, together with the resolves of Worcester, and some publications against supplying the King's troops with necessaries; so that I was premature in telling your lordship, that the Boston artificers would work for us. This refusal of all assistance has thrown us into difficulties, but I hope to get through them, and to be able to put the troops under cover, though not so comfortably as I could wish.

I do not find that the spirit abates any where, for it is kept up with great industry.

They are shortly to have a provincial congress in this colony, composed chiefly of the representatives, lately chosen to meet at Concord, where it is supposed measures will be taken for the government of the province.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth. Dated Boston, 17th October, 1774.

MY LORD,

I Transmit your lordship a number of inclosures, amongst which you will see the resolves passed by the representatives who met at Salem, notwithstanding my proclamation to postpone the sessions, and adjourned themselves, as was foreseen, to meet delegates from the counties and towns, to Concord, there to form themselves into a provincial congress, from whence they have agreed to remove to Cambridge. Your Lordship has a remonstrance which they have sent to me, and my answer to it, which I had some difficulty in contriving,

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as I cannot consider them as a legal assembly, and a handle would have been made of it had I refused; and it was moreover necessary to warn them of their conduct, and require them to desist from such unconstitutional proceedings. There are also copies of two remonstrances from the county of Worcester, the first of which was so offensive to the King, and not addressed to me as governor, that I refused to receive it; the last was answered, and the answer transmitted.

The above relate to works I have been making at the entrance of the entrance of the town, at which they pretend to be greatly alarmed, lest the inhabitants of the town should be enslaved and made hostages of, to force the country to comply with the late acts; a scheme which they know is not feasible; but I believe the works have hitherto obstructed some pernicious projects they have had in view, which has determined me to refuse all applications for their demolition. And whilst their affected apprehensions for the town of Boston are held forth, moderation and forbearance has been put to the test, by burning the straw and sinking boats with bricks, coming for the use of the troops, and overturning our wood carts. It appears to me, to be a part of their system to pick a quarrel with the troops, for which reason I was the more cautious to give no pretence for it, that all misfortunes which might happen should be of their own seeking.

There are various reports spread abroad of the motions made at the provincial congress whilst at Concord: some it is said moved to attack the troops in Boston immediately, others to value the estates in the town, in order to pay the proprietors the loss they might sustain, and to set the town on fire, and others proposed to invite the inhabitants into the county, which has been talked of for some time.

By a letter from general Carleton of the 20th of September, he determined to send here the 10th and 52d regiments, and I conclude them on their way from Quebec, as also general Haldimand with the 47th reg. from New York, where transports have been laying for some weeks to take on board the stores, and I apprehend they are mostly secured. I am to acquaint your lordship, likewise, that commodore Shuldham receiving intelligence at Newfoundland of the extraordinary commotions in this country, sent the Rose man of war immediately here, with two companies of the 65th regiment, stationed at St. John's, desiring only that they might be replaced in the spring.

I am, &c.

THO. GAGE.

P. S. I had once hopes to have sent your lordship accounts of some conciliatory measures which I have urged strongly, and recommended the paying for the tea for a beginning of a reconciliation; but I despair of any overtures of the kind unless it comes recommended from the continental congress, by whose resolves this people declare their intentions to abide, and use every artifice to engage the rest of the continent in their own disputes with the mother country.

T. G.

Extract of Letters from the Honourable Governor Gage to the Earl of Dartmouth. Dated Boston, October 30, and November 2, 1774.

Transmit your lordship a number of resolves of the provincial congress, with some passed by the continental congress at Philadelphia, relative to the proceedings of this province, which they have in so great a degree supported, though in some instances deceived by them. Expresses are frequently going from the one to the other, and they are very secret in both; and from what has transpired, there is opposition in both. Our provincial congress has appeared to be a good deal puzzled to determine to what lengths they should go, and have had something of moment in agitation, which, by what has dropped from some of the members, relates to the embodying about 15,000 men, and appointing four persons to command them, under the direction of a committee. Others deny it—so that time must clear up the truth of this rumour, which must be known soon. Common talk gives out, that this body is to be ready at a moment's warning, and to be supported by this and the neighbouring provinces.

The people would cool was not means taken to keep up their enthusiasm. Truths or falsehoods equally serve the purpose, for they are so besotted to one side, that they will not believe, or even hear what is said to convince them of their errors. This congress made an effort to get all the inhabitants of this town to leave it and retire to the country, but it was found to be an impracticable measure. Many individuals are gone, and others going through fear, as they give out, being apprehended; so your lordship will perceive some of the most noxious are in the number of those who move.

From the union of the provinces, and the similarity of their measures, I have not been without apprehensions that our supplies of provision might be stopped, and gave early notice to the contractors here to lay in large quantities in time. They assure me, that from the quantity they have collected, and the measures they have taken to procure more, that there is no danger of being in want; but if any thing more extraordinary happens, we shall not be able to procure provisions from any of the colonies.

Major general Haldimand has joined me with the 47th regiment, and three companies of the 18th, from New York, and has put a large quantity of the most useful stores at that place, and which it became proper to secure, on board the transports; a good deal, but what would be of least service, still remains under the care of five companies of the 18th regiment.

November 2, 1774.

The King's schooner, the St. Lawrence, which conveys this dispatch, being detained, I transmit your lordship the last resolves which
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this provincial congress has published, after which they adjourned to the 23d instant, and I learn that their secret determination is to assemble the old council at their next meeting, in order to form as complete a government as they can, and to have, as they say, a vast army in the field in the spring at the continental expence. I also transmit your lordship a copy of another message to me, in answer to mine, to their first message, which has been sent to your lordship.

They have a particular manner in perverting and turning every thing to their purposes. A regiment was incamped about a mile from Salem, two companies of which marched out as far, perhaps, as some straggling houses, but was ordered back, and never came within a quarter of a mile of the place where the people were assembled, nor was there any occasion for them. No private property has been touched, unless they mean an order to the store-keeper not to deliver out any powder from the magazine where the merchants deposit it, which I judged a very necessary and prudent measure in the present circumstances, as well as removing the ammunition from the provincial arsenal at Cambridge.

They make the greatest handle of the works at the entrance of the town, which I have very great reason to believe have obstructed some designs they had in view, and which I cannot doubt they have had in deliberation to attack, but carried against the movers of the project.

The officers of the militia have, in most places, been forced to resign their commissions, and the men chose their officers, who are frequently made and unmade; and I shall not be surpris'd, as the provincial congress seems to proceed higher and higher in their determinations, if persons should be authorized by them to grant commissions, and assume every power of a legal government, for their edicts are implicitly obeyed throughout the country.

The 10th and 52d regiments are arrived, and arriving in the harbour. On their landing I shall be able, from the whole, to form a force of near 3000 men, exclusive of a regiment for the defence of castle William.

Your lordship will doubtless receive many accounts of the situation of this continent. This province is without courts of justice or legislature—The whole country in a ferment—Many parts of it, I may say, actually in arms, and ready to unite. Letters from other provinces tell us, they are violent every where, and that no decency is observed in any place but New York. Great Britain had never more occasion for wisdom, firmness and unanimity.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, November 15th, 1774.

THE proceedings of the continental congress astonish and terrify all considerate men; but though I am confident that many of their resolves neither can or will be observed, I fear they will be generally received, as there does not appear to be resolution and strength enough among the most sensible and moderate people in any of the provinces, openly to reject them.

This provincial congress has been encouraged by the general union and readiness shewn by the rest of the New England provinces to appear in arms at their call to go the lengths they have. I transmit your lordship a proclamation which I have published against the proceedings of their last meeting, and I hope it will have some effect, for I learn that people are cooler than they were, and grow apprehensive of consequences. The congresses have gone greater lengths than was expected.

Norwithstanding the impediments thrown in our way, we shall to-morrow put the troops under cover to-morrow, except the two regiments from Quebec, who must remain in their transports five or six days longer.

A considerable quantity of flour was stopped for a time in Maryland, upon information that it was for the use of the troops at Boston, but it is arrived, and we have by various means got provisions sufficient to last the troops here about six months; and I hope, if it is found necessary, that we shall be able to procure further supplies.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, December 15th, 1774.

THE Scarborough arrived with your lordship's dispatch of the 17th or October, No. 11, on the 3d instant, and Admiral Graves has consented to land all the supernumerary marines, which, by report, may amount to above 400 men, as soon as all arrive and quarters are prepared, that Major Pitcairne, who commands those marines, may have a better opportunity to form and discipline them, than if they remained on board their ships, where they are crowded.

Your lordship's idea of disarming certain provinces, would doubtless be consistent with prudence and safety, but it neither is, or has been practicable without having recourse to force, and being master of the country.

Nothing has been untried that could tend to hurt and terrify the Mandamus counsellors to resign, who have withstood all threats against

against their persons and properties ; but they are still obliged to take shelter with the troops ; and I have judged what your lordship remarks, that in such a state, the taking any step by their advice would add no weight to the authority of government, but rather be an argument for disobedience ; for that reason, I have avoided the assembling of them in council as much as possible. I am to acknowledge the receipt of the royal mandamus for the admission of the gentlemen therein nominated into the council ; all the former counsellors stand firm, and deserve the greatest encouragement.

I will not pretend to foresee to what degree they mean to extend the claims of this country ; the congress has sent their conditions, on which they will condescend at present to keep up any commercial connection with the mother country ; but I judged from the movements of the people here, that they had designs to carry matters further without delaying them, and to pursue measures which other provinces would not adopt. I have taken notice in former letters of expresses going frequently from this provincial congress to Philadelphia, of the committee's forbidding people to work for the troops or to supply them with materials and necessaries for their quarters, committing insults, and destroying bricks and straw coming from the country. All these proceedings appeared to be carried on systematically, and to have some concealed design, which could be no other than to oblige the troops to force their quarters upon the inhabitants, or shew their resentment in some shape, that might afford a pretence to cry out against military oppression, to alarm the continent, and obtain assistance from the congress ; and as there was a suspicion of their project, precautions were taken to defeat it.

I have no doubt that the aim of the hot leaders here has been to have a body of troops in pay, and under their direction, and to persuade the other colonies to contribute towards the expence : but not succeeding in that attempt, that they have next tried, in this provincial congress, to usurp the government entirely, as the surest means to procure both money and troops by their own authority. This is pretty apparent from some of their resolves, as well as from what has fallen from some of the members of the congress, but they have not yet been able to bring the majority into their schemes, and I don't find that their new treasurer has had any money paid into his hands. I transmit your lordship the publications of this congress since my last, and you will see that it is now dissolved, and that another is to be chosen in February, when the chiefs will probably try to get members more inclined to serve their ends. Their violence terrified many of their party who have given assistance to preserve peace and quiet, by which people have had time to cool and hearken more to reason, but I don't infer that they are more inclined to receive the new laws, or that a little matter would not raise them again. But people who have been

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A. 1775.

D E B A T E S.

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small-treated for their attachments to government, have recovered themselves during the calm, and in several places have associated for their mutual defence. I have been given to hope great good effects from these associations, which I have taken pains to promote, though I confess that I expect the associators will be composed only of former protestors and addressers, who have stood forth for a time, but overwhelmed by superior numbers, have been forced to recant.

Moderation has been prescribed from this country, and their correspondents appear to have advised them against conciliatory measures, but to fly to extremities. I enclose your lordship a printed extract of a letter, the contents of which was spread abroad before the publication, and is said publicly to have been written by a gentleman remarkable for his correspondence with this country. More of the same tenor have been written, particularly one in September, it's said, by the same person, to the late speaker, wherein, I am told, he exploits their wisdom in procuring a general congress, and disappointing the views of administration to divide the colonies, and recommends union and the most vigorous proceedings, as the surest means to overcome the mother country.

From the difficulty to procure materials, which few would venture to supply, although the barrack master general exerted himself remarkably, there was no possibility to get all the troops in quarters so soon as we wished, and the regiments from Quebec were obliged to stay in the transports till about ten days ago, when the whole was under cover.

The Asia and the Boyne are arrived, the first two days after the Scarborough; and we are waiting impatiently for news of the Somerset.

P. S. Since finishing my letter, I have received some votes that the assembly of Rhode Island has passed, of which I inclose a copy, together with a copy of an act passed by said assembly, published in the Newport Mercury. It is said, that they certainly mean here to try to usurp the government at the next meeting of this congress; and it's added, to resume their first charter.

Copy of a Note from Lord Viscount Lisburne to the Earl of Dartmouth, dated Admiralty Office, 1st October, 1774.

ORD Lisburne presents his compliments to lord Dartmouth, and, in the absence of the other commissioners of the admiralty, begs leave to send his lordship the inclosed letter, received this day, from admiral Greaves, to be laid before his Majesty.

Copy

Copy of a Letter from the Lords of the Admiralty to the Earl of Dartmouth, dated 15th November, 1774.

My LORD,

HAVING received a letter from vice admiral Greaves, commander in chief of his Majesty's ships in North America, dated the 23d of September last, at Boston, containing some further accounts of the violent proceedings of the populace in those parts. We send your lordship herewith a copy thereof, in addition to what we have already transmitted to you, on the same subject, for his Majesty's information, And are, &c,

[Signed]

SANDWICH.
J. BULLER.
A. HERVEY.

Copy of a Letter from the Lords Commissioners of the Admiralty to the Earl of Dartmouth, dated 14th January, 1775.

[Received 15th January.]

My LORD,

HAVING received a letter from vice admiral Greaves, commander in chief of his Majesty's ships and vessels in North America, dated the 15th December last, giving an account of the arrival of his Majesty's ships the Asia, Boyne and Scarborough, at Boston, and of the disposition he has made of the squadron under his command,

We send your lordship herewith a copy of the said letter, and of its inclosures, for his Majesty's information.

We are, my lord,

Your lordship's most humble servants,

SANDWICH.
J. BULLER.
A. HERVEY.

Extract of a Letter from Captain Wallace to Vice Admiral Greaves, dated on board his Majesty's Ship, Rose, at Newport, Rhode Island, 12th December, 1774.

Yesterday I arrived in this port, with his Majesty's ship under my command, from New London and a cruize, of which I had the honour to acquaint you the 8th Instant. Since my absence from this place, I find the inhabitants (they say here of Providence) have seized upon the King's cannon, that was upon Fort Island, consisting of six 24 pounders, eighteen 18 pounders, fourteen 6 pounders, and six 4 pounders, (the latter they say formerly belonged to a province sloop they had here) and conveyed them to Providence. A procedure so extraordinary, caused

caused me to wait upon the governor, to enquire of him for your information, why such a step had been taken; he very frankly told me they had done it to prevent their falling into the *hands of the King*, or any of his servants; and that they meant to make use of them to defend themselves against any power that shall offer to molest them. I then mentioned, if, in the course of carrying on the King's service here, I should ask assistance, whether I might expect any from him, or any others in the government? He answered, as to himself he had no power, and in respect to any other part of the government, I should meet with nothing but opposition and difficulty. So much from *Governor Wanton*. Then I endeavoured to get the best information of what they were at from other quarters, and inclosed I send it to you, among some of their votes you will find they intend to procure powder and ball, and military stores of all kinds, whenever they can get them.

Extract of a Letter from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 8th of June 1774.

[Received 2d of August.]

IN my letter No. 59, I had the honour to write your lordship, that the general assembly of this province stood prorogued to the 10th of May, at which time they met and proceeded upon business, I took great pains to prevail on them not to enter into any extra provincial measures, yet one of the members for Portsmouth read in his place the inclosed letter, No. 1. to the committee of correspondence of Portsmouth, but the house then declined considering it. On Friday 27th of May, it was moved to appoint committees of correspondence, and, after a warm debate, carried by a majority of two only: the next morning it was reconsidered, and carried by a majority of one only, and passed as by the inclosures No. 2 and 3. Immediately after this, the supply bill was passed and sent up to the council, being withheld, as I imagine, for time to effect the other measure. I directly adjourned the assembly, and kept them under short adjournments till this day, in hopes to obtain a suspension of these votes; but finding there were two letters in town for the speaker, which, some of those who were most active, said, were to appoint a congress of the colonies, I considered it to be improper to admit their proceedings, and therefore immediately put an end to the committees, (who have not as yet wrote or acted) and to the assembly, by a dissolution in a message (No. 4 herewith transmitted) cautiously expressed, in such general terms, as to prevent any misrepresentations. This mode of dissolution after such short adjournments, which are attended
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by few members, precluded any meeting of those persons to contrive undesirable measures, or pursue those in their private capacity, that were attempted as an assembly, which has extremely disconcerted, and I hope will counteract the efforts of those that strive to lead this province into combinations with the Massachusetts Bay. Before the dissolution, all the usual and necessary business of the province was completed. That no detriment can arise from my delaying to call an assembly, in expectation that a few weeks will convince those who may be members, of the imprudence and error of measures, that tend to weaken or subvert the subordination of the colonies.

Extract of a Letter from Governor Wentworth to the Earl of Dartmouth. Dated New Hampshire, 4th July, 1774.

ON the 25th of June, at night, arrived here the Grosvenor man-of-war, from London, with twenty-seven chests of bohea tea, consigned to a merchant in Portsmouth; sometime before the arrival of the ship, it was reported that a quantity of bohea tea was expected. Hereupon I took effectual precautions to counteract the universal disquiet of America, from contravening the acts of parliament in this instance, or destroying the property. By my desire the consignee wrote a letter to the master of the ship, with directions how to proceed on his arrival. This letter I gave to captain Cockran of his Majesty's castle William and Mary, who effected my orders in delivering it at sea. The 26th being Sunday, nothing was done. On the 27th the master and merchant went early to the custom-house, and entered the ship and cargo. At noon-day the ship's boats came to the wharf with twenty-seven chests of tea, carts were prepared, and the tea immediately carried to the custom-house, and there stored, before any people could assemble to obstruct it. The town not suspecting any movement until my return from Dover, about ten miles off, where I purposely staid during this first operation to secure this event, which I foresaw would be carried quietly, by withdrawing suspicion, having confided my plan to proper magistrates, who I knew would not be disappointed. In the afternoon a town meeting was convened upon the occasion. I came into town and passed on horseback through the concourse, who treated me with their usual kindness and respect. At the meeting, it was represented to the people, that the tea being now lodged in the custom-house, the question was totally changed, that nothing could be done, but by consent of and agreement with the merchant. The meeting proceeded with coolness and temper beyond almost my hope. It was proposed that a committee should be chosen, and invested with powers to treat with the merchant. In this committee of eleven, were many principal gentlemen, discreet men, who

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I knew detested every idea of violating property: men disposed to prevent mischiefs. The town also chose a guard of freeholders, to protect and defend the custom-house and the tea from any attempt or interruption, which being sincerely intended, was faithfully executed. On the 28th the consignee accepted and agreed to the proposals of the committee, to export the tea to any market he chose, upon condition the town would reship and protect it, while in the harbour. This they gladly acceded to, and the town upon adjournment confirmed the proceedings; accordingly the committee and the consignee together were at the custom-house, where the duty was openly and regularly paid, and the tea again carted through the streets publicly in the day time, without noise, tumult or insult. About 9 o'clock P. M. three overheated mariners (two of them strangers) endeavoured to excite a mob, to destroy the tea and vessel hired to export it. Whereupon I sent for colonel Fenton who gathered a few gentlemen, repaired to the vessel, and with laudable spirit and prudence they personally guarded both vessel and cargo in safety till the next morning. On the 29th A. M. the comptroller of the customs informed me, that these mariners had got drums, and were assembling thoughtless people to destroy the tea and sloop. At the same time I received a letter, No. 1, a copy herewith inclosed, from the consignee, desiring my aid and assistance, to take possession of the sloop and cargo. Hereupon I directed the sheriff instantly to summon the council, and every magistrate and peace officer to meet me forthwith on the wharf where the vessel lay, determining to disperse any riotous attempts and order the vessel to the castle: while I was going out on this my duty, a messenger came to tell me that some magistrates and two of the council, Mr. Warner and Mr. Rindge, who happened to be in the way, hearing the noise, had repaired to the place, and, with many other freeholders, silenced the drums, and prevailed on the people to disperse without any outrage. At this time I received a second letter (No. 2, herewith) from the consignee, to the same purport as the first. I lost no time in writing an order to captain Cochran, immediately to take possession, defend, protect, and safely deliver the said vessel and cargo to the merchant, or to his orders; and the sheriff, John Parker, Esq; to take command of the castle in his absence, as will appear fully by the inclosure, No. 3. In the evening, about half past 6, observing the wind to be contrary, I dispatched a second order to captain Cochran, still to continue in the orders of the morning, as by the inclosure, No. 4. These orders were directly carried into effect, with a prudence and firmness that does honour to both the officers. On the 30th, the owner of the sloop, the master, and the supercargo, to whose care the consignee committed the tea, came on board, with proper custom house clearances, and authority from the consignee. Captain Cochran examined the twenty-seven chests of tea, found them

perfectly safe, and in good order; desired the three last mentioned persons to examine the same, which they did, and then received both vessel and cargo into their possession; and forthwith sailed for Halifax. Mr. Parker, the sheriff, and captain Cochran, returned to their respective duties, and have made return of their doings, on my orders, as in the inclosures, No. 5 and 6. During these transactions, viz. on the evening of the 27th, and morning of the 28th, I told the collector and comptroller, also the consignee, that if they wanted any aid or assistance, or were apprehensive of danger, I was ready, whenever they would apply to me, and would not only issue orders, but in person defend them; that I was confident, the magistrates and freeholders would not desert me: but they would not apply, declaring they then apprehended no danger,

*Copy of a Letter from Governor Wentworth to the Earl of Dartmouth,
Dated New Hampshire, the 6th of July, 1774.*

[Received the 2d of August.]

May it please your Lordship,

UPON hearing the committee of correspondence, chosen by the late assembly of this province, had issued letters to those members, to meet this day in the representatives chamber in Portsmouth, there to deliberate and act, particularly to chuse delegates for a general American congress, and that some of the said persons were convened, I have considered it to be my duty to his Majesty to use my endeavours to disperse and separate so illegal and unwarrantable an attempt. I have therefore convened his Majesty's council, ordered the sheriff to attend me, and requiring their attendance on me, I went into the room, and immediately read the inclosed speech to them; afterwards I directed the sheriff to make open proclamation, for all persons to disperse and keep the King's peace, which was done before they had entered on any business, and I expect will be obeyed, as this letter must be forwarded by express 66 miles to Boston, and reach there to-night, in hopes to save conveyance by admiral Montague. Whatever further may occur, I shall take due care to transmit to your lordship as soon as possible, all which is most humbly submitted, dutifully hoping your lordship's favourable representation of my best zeal, unremitting diligence and fidelity, in discharge of my duty, may happily be honoured with his Majesty's approbation. I have the honour to be, with the most perfect respect, &c.

J. WENTWORTH.

Extract

Extract of a Letter from the Honourable Governor Wentworth, to the Earl of Dartmouth, dated New Hampshire, 13th July, 1774.

THE convention mentioned in my dispatch, No. 63, immediately dispersed, without attempting to enter into any measures. Those gentlemen with some others dined at a tavern, and there in private agreed to recommend to the several parishes in the province, that they choose persons to meet at Exeter on the 21st instant, for the purpose of appointing delegates to attend, and be part of an American congress, intended to assemble the 1st of September next, in Pennsylvania or New Jersey. The towns were desired to collect voluntarily, and send by their agents to Exeter, certain sums of money in proportion to their province tax, amounting to three hundred pounds sterling, to pay the delegates. It was also recommended to the parishes, that the 14th instant be observed as a day of fasting and prayer. It is yet uncertain how far these requisitions will be complied with, but I am apt to believe the spirit of enthusiasm, which generally prevails through the colonies, will create an obedience that reason or religion would fail to procure.

Extract of a Letter from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, August 29th, 1774.

SINCE my letter, No. 64, the convention of persons chosen by many towns, in consequence of the invitation in that letter referred to, met at Exeter, and elected colonel Folsom and Major Sullivan to be delegates for this province, at the congress to be held in Philadelphia, on the first day of September next. The paper, No. 1, herewith inclosed, is a copy of the instructions given to those gentlemen, and is the best explanation of their service and employment that I can obtain. I am informed that this convention collected and brought from their respective towns, about one hundred and twenty guineas, which was paid into the hands of John Giddings Esquire, (who they elected treasurer) to defray the expence incurred by the delegates aforementioned, who set off on their journey to Philadelphia, on the 10th instant.

The committee of correspondence elected by the late assembly, and of course dissolved with them, wrote circular letters to all the towns in this province, copy of which, and printed form of the non-importation and non-consumption agreement, recommended in that letter and accompanying it, is herewith transmitted, No. 2. Some few towns generally subscribed, many others totally rejected it. The committee appear conscious that their powers (if any they ever had) ceased

ceased with the assembly that elected them, for they do not date the day of the month, because it succeeded the dissolution; it is certain they had not acted nor even met together before that.

I think this province is much more moderate than any other to the southward, although the spirit of enthusiasm is spread, and requires the utmost vigilance and prudence to restrain it from violent excess; this will appear by the inclosure, No. 3, which was carried *nemine contradicente* in this town, upon an attempt some few nights preceding, by a parcel of boys and sailors, to insult a woman who sold tea. Since this vote the town has been perfectly quiet, those who had tea have sold it without molestation. The inhabitants have now almost universally discontinued the use of Bohea tea, and I apprehend will intirely, within three months of this date.

The town clerk of Boston, who is said to be a zealous leader of the popular opposition, has been in this town about a week, immediately appears a publication in the New Hampshire Gazette, recommending donations for Boston, which has been followed by a notification to convene in town meeting "to grant relief to the poor of the town of Boston," on the 12th of September next. It is probable no town grant will be made, and the meeting issue in appointing a committee to receive and transmit voluntary donations, which I believe will not afford much comfort to them or greatly credit the charitable munificence of these town meeting; grants are always and ever will be greater on popular pretences than private subscriptions, because those that vote in public, pay by far the least part of the grant; as is ever the case with select men, who having power over the apportionment of rates, probably do not exercise it to their own detriment, and thence more easily join in facilitating and augmenting such gifts, which, from the nature of the office, they have great influence upon. It is greatly to be wished, that gentlemen of property, experience and education, could be persuaded to accept the office of selectmen; but it is impracticable; if they are disinterested, and without other views than the public good, it is a very laborious and unprofitable employment: and as I have nothing in my power, whereby to reward such good men, they all decline, and the interior regulation of the capital falls into the hands of those who can submit to make it worth their attention.

I beg leave to assure your lordship of my most faithful diligence in his Majesty's service; and, with the greatest deference, to hope for such favourable representation thereof. I am, &c.

J. WENTWORTH.

P. S. The inclosure, No. 4, met with very little encouragement, and obtained but few signers, (except two or three) who were only among the lower order of people, who signed before they were divided to, and on the same invitation, would sign any other paper.

J. W.

Extract of a Letter from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 13th September, 1774.

[Received 14th November.]

ON the the 8th instant, about sun-set, arrived in the port of Piscataqua the Fox mast-ship, having on board 30 chests of bohea tea, consigned to Mr. Edward Parry of this town. Previous to this arrival it had been reported that such an event was expected: I therefore early instructed captain Cochran of his majesty's castle, William and Mary, in this province, to render all the aid and assistance in his power upon the first application, as by the copy, No 1, which I beg leave to inclose to your lordship herewith. Accordingly captain Cochran, always indefatigable in his duty, went off to the ship while at sea and proffered his service. Some few days before this arrival letters were received from London, mentioning the shipping of the tea to sundry persons, whence it became very public. A ship last week arrived at Salem with a quantity of tea on board, also confirmed the expectation of the like here. These things, added to a report from Salem that the people would not admit the tea to be landed, entered, or pay the duty there, and the enthusiastic spirit of that province daily gaining ground both there and here, notwithstanding my utmost efforts and vigilance, rendered the event of this importation more precarious than the former, and raised almost insurmountable obstacles against its preservation.

As soon as it was generally known that tea was arrived here, the disquiet broke forth among the populace, and at a quarter past ten at night I received a letter, No 2. from Mr. Parry, informing me of his windows being broken by a mob, and desiring protection. At half past ten I sent Mr. M'Donah, my private secretary, and my brother, who happened to be at my house, to enquire of Mr. Parry what was necessary, and, if any danger, to offer him the protection of my house, which they did; but the attempted mob having subsided, he saw there was no danger, and remained quietly and safely in his own lodgings. At three quarters past 9 A. M. of the 9th instant, Mr. Parry brought me a petition to the governor and council, praying the protection of government, as in the inclosed copy, No 3. whereupon I convened the council within an hour, and received advice from them to call in the justices that were in town, and require their execution of their duty, which they, with laudable prudence and firmness immediately proceeded upon, and with desirable success.

Mr. Parry and captain Norman were informed of these proceedings, and by me told at the council board, that the governor, council, and magistrates, would, upon the least notice, support and protect them and their property, and that we should all be in readiness.

At six P. M. I adjourned till nine o'clock next morning, and sent for the chief justice, sheriff, and attorney general, from Exeter, where the superior was and is yet sitting. Also Mr. Gildman and Waldron from Exeter and Dover, to make a full council. That nothing might be wanting to execute the law, and preserve the public peace, the council sat till two o'clock; and no further application made nor any appearance of riot or violence whatever. I proposed to the council to consider and advise me what further was needful to be done upon the petition; this was referred to a committee to report upon, and I adjourned 'till Monday, the twelfth instant, ten o'clock, A. M.

During this period, viz. the 9th and 10th instant, the town meetings were agitated. At length a committee were chosen to consult with Mr. Parry and the captain who, agreed to export the tea to Halifax, after being duly entered, and paying the duty. About five o'clock P. M. of 10th Mr. Parry and captain Norman came to me, and informed me of this agreement, and that they were obliged to the government for their protection, which they imagined was no longer necessary on this occasion. However, I judged it prudent to meet the council on the adjournment, and to have the council convened again in the afternoon, as there was a town meeting sitting, and I could not be certain of established quiet 'till that was over. The vessel with the tea sailed the 11th instant, with a fair wind, for Halifax, and the town is in peace. The whole proceedings in council on this affair I beg leave herewith to transmit to your lordship in the papers, No. 4.

Notwithstanding, I can still have the pleasure to represent to your lordship that this province continues more moderate than any to the southward; yet, at the same time, truth requires me to suggest, that the union of the colonies in sentiment is not divided nor lost in New-Hampshire, although they have hitherto been prevailed upon to abstain from acts of general violence and outrage, and the laws have their course. How long it will remain so is impossible to foresee; I confess much good may not reasonably be counted upon, while the unhappy distractions in the Massachusetts Bay gain ground and spread with such violence as cannot but be extremely deplored by every considerate man.

Extract of a Letter from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 15th November, 1774.

Received 5th January, 1775.]

AT an adjournment of a town meeting in Portsmouth, in October last, fifty-two voters reconsidered a vote of fifty-six voters in a previous meeting, "not grant the town moneys for a donation to Boston; but that a voluntary subscription be opened for that purpose."

pose." This lesser number granted two hundred pounds proclamation money, which is near four times their province tax.

They also proceeded to choose a committee of forty-five persons, chiefly out of the number then present, who stile themselves, "A Committee of Ways and Means." I hear one half the number refused to act. The remainder convened together, and prevailed on Mr. Wentworth, an old gentleman of seventy-eight years, and lately extremely impaired by frequent epileptic fits, to be their chairman. General Gage having desired me to furnish some carpenters to build and prepare quarters for his majesty's troops in Boston, the carpenters there being withdrawn, and the service much distressed; I immediately engaged and sent him a party of able men, which arrived to the general, and are very useful. However, this committee considered it as very obnoxious, and chose a sub-committee from among their acting members, to draw up resolves relative to this matter, which I am informed they did, and were accordingly published in the inclosed New Hampshire Gazette, No. 940, which excited the designed madness through the interior parts of the province, and solely gave rise to the proceedings at Rochester, as published in the gazette, No. 942, herewith transmitted. Indeed, had not the Rochester committee acted with great prudence, and consented to call Mr. Austin before them, it is greatly to be apprehended very essential outrages would have been committed on his estate, and his person endangered through the violence of a deluded populace. From these motives only were those three gentlemen in Rochester prevailed on to act in a business the whole of which they publicly disapproved, but had not power to suppress. During these agitations captain Holland, by desire of brigadier general Robinson, had purchased some blankets for the army. The committee forbade him to ship any, and he immediately sent them all to my house for safety, whence I directly shipped them for Boston, and they are safely delivered. In the counties of Hillsborough and Cheshire I have heard there have been several reprehensible violences committed, under popular pretences of liberty; hitherto there has been no complaints made to me; nevertheless I took such measures, that, I am informed by the magistrates of those counties, the difficulties begin to subside. But I cannot flatter myself with any reasonable hopes of the legal establishment of the powers of government in this province, until they are effectually restored in the Massachusetts Bay. I have been successful in prevailing on soldiers deserted from the king's troops at Boston, to return to their duty, through the spirited and prudent activity of major Thompson, a militia officer of New Hampshire, whose management, the general writes me, promises further success. The town of Exeter have followed the example of Portsmouth, and granted one hundred pounds to Boston, and I apprehend many other towns will do the like.

Extract of a Letter from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 2d December, 1774.

[Received 12th January, 1775.]

THE forming a continental congress was so universally adopted by the other colonies, that it was impossible to prevent this province from joining therein, and accepting the measures recommended, which are received implicitly: so great is the present delusion, that most people receive them as matters of obedience, not of considerate examination, whereon they may exercise their own judgment. Accordingly on their first publication the acting part of the committee mentioned in my dispatch, No. 69, forbid an exportation of fifty sheep, the adventure of a ship-master, bound to the West-Indies, and caused him at some loss to dispose of his sheep, and unlade the provision made for them.

This day the provincial committee nominated at Exeter by the electors of the delegates to the congress, have published their mandate, herewith inclosed, for a general submission to the resolves of the congress, signed by their chairman, who was speaker in the late general assembly.

It is much to be wished the colonies had pursued the mode of representation your Lordship is pleased to mention. At present, I apprehend, the respective assemblies will embrace the first hour of their meeting formally to recognize all the proceedings of the congress, and if they should superadd, it will not probably be less violent than the example which will be their foundation.

Extract of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 4th May, 1774.

[Received 6th June.]

CAPTAIN LOCKYER with the so long looked for tea from the India company arrived at Sandy Hook on the 19th of last month. The ship came no farther up, and a few days after sailed from thence again for London with the tea on board. Neither the Captain nor any other made the least application to me about the ship or her cargo. The account of this affair published in the inclosed news paper is as particular and full as any that I could procure.

In the same paper your Lordship will find an account of some more violent proceedings against a parcel of tea imported by Captain Chambers, of the ship London, who arrived here while Captain Lockyer was in this place. As no application was made to me by Captain

Chambers

A. 1774.

D E B A T E S.

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Chambers, or any other before, or since this riotous event, I cannot give your Lordship a better account of it than is contained in the printed paper.

It happened early in the evening, and though a pretty large number of spectators were assembled, the quarter where I reside and the greater part of the town was perfectly quiet. It is said Captain Chambers drew the particular resentment of the people upon himself by the duplicity of his conduct. Last voyage he claimed applause here for being the first who refused to take the India company's tea on board his ship, and received public thanks from the people of this place for it.

A few days after Governor Tryon went from hence, a small sloop loaded with Dutch tea, duck, &c. was seized by an officer of the Custom-House. She was taken in this port at noon day, and secured without any tumult on the occasion.

Extract of a Letter from Major General Haldimand to the Earl of Dartmouth, dated New York, 15th May, 1774.

THE accounts received before the arrival of the packet as late as the 14th of April, had made known the plan of operation intended to bring Boston to a sense of order and decency, so that on the arrival of Lieutenant General Gage the inhabitants of that place will not be at a loss what they are to expect if they will prove refractory; it is the opinion of many people here that they will acknowledge their fault, pay for it, and endeavour to reinstate themselves into his majesty's favour by a proper submission. I wish it may be the case, as there is no knowing how far the factious spirit of a few leading men may carry an inconsiderate multitude, who have imbibed the most romantic notions of independance and liberty, and there will not fail to be such papers propagated amongst them in order to spirit them up. The act of parliament relative to the port of Boston is already reprinted here with such representations as may possibly answer that end. I take the liberty to inclose to your Lordship one of those papers handed about this town gratis.

Extract of a Letter from Major General Haldimand to the Earl of Dartmouth, dated New York, 1st June, 1774.

I Think it my duty to acquaint your Lordship with the apparent effect, which the late vigorous measures adopted by the parliament of Great-Britain have made on the minds of the people of this country; the few who entertained more loyal and liberal ideas of government, are now induced and encouraged to speak their minds with more freedom, and fear not to disapprove the rash proceedings of their countrymen,

countrymen, blindly led by a few hot-headed and designing men; this has operated so far, as to prevent hitherto, the effect of the resolution warmly urged by a number of violent enthusiasts to shut up their ports themselves both here and at Philadelphia, and to decline any importation from Great Britain and Ireland, or exportation to any of the West-India islands, until the act against the town of Boston should be repealed.

The more timid amongst them, actuated by self-interest and common prudence, have joined the few who dared to stand forth against such outrageous and illegal combinations; in consequence of which the measure was rejected; but it is to be feared that the fire is only smothered at present, and might break out a-new unless the measures said to be adopted subsequent to the Boston port bill should prove sufficient to restore the good order and harmony, so essential to Britain and her colonies, to assure the dependance of the latter on the kingdom of Great Britain, and in time remove the prejudices now subsisting.

Extract of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 1st June, 1774.

[Received 4th July.]

THE act of parliament shutting up the port of Boston was brought to this place by a merchant vessel a few days before I received it from your Lordship's office.

The act was immediately published in all our news-papers, and was the subject of all conversation. I knew that people universally in this colony had received such ideas of being taxed at the pleasure of parliament, that I was particularly anxious upon this occasion to discover the sentiments of those who might have most influence over others, and was assured by the gentlemen of the council, and others of weight in the city, that no means would be omitted to prevent the hot-headed people taking any measures that might endanger the peace and quiet of the colony.

The men who at that time called themselves the committee, who dictated, and acted in the name of the people, were many of them of the lower rank, and all the warmest zealots of those called the sons of liberty. The more considerable merchants and citizens seldom or never appeared among them; but I believe were not displeased with the clamour and opposition that was shewn against internal taxation by parliament.

The principal inhabitants being now afraid that these hot-headed men might run the city into dangerous measures, appeared in a considerable body at the first meeting of the people after the Boston port act was published here. They dissolved the former committee, and appointed

appointed a new one of fifty-one persons, in which care was taken to have a number of the most prudent and considerate people of the place, some of them have not before joined the public proceedings of the opposition, and were induced to appear in what they are sensible is an illegal character, from a consideration that if they did not the business would be left in the same rash hands as before.

Letters had been received from Boston with an invitation from that town to the sister colonies, immediately to come into a resolution to refrain from any commerce with Great-Britain and the West-India islands, till the act for shutting up the port of Boston was repealed. A printed hand-bill of this proposal is inclosed.

I am informed that the new committee in their answer to Boston, have given them no reason to expect that the merchants of this place will adopt so extravagant a measure, and people with whom I converse assure me, that they think it cannot be brought about by the most zealous advocates of opposition. As yet no resolutions have been taken by the people of this colony, and the cool prudent men will endeavour to keep measures in suspense till they have an opportunity of adopting the best. I am told they have proposed that the colonies be invited to send deputies to meet together, in order to petition the king for redress of grievances, and deliberate upon some plan whereby the jealousies between Great-Britain and her colonies may be removed. It is allowed by the intelligent among them, that these assemblies of the people without authority of government are illegal, and may be dangerous, but they deny that they are unconstitutional when a national grievance cannot otherwise be removed. What resolutions will be taken I cannot yet say. The government of this province has no coercive power over these assemblies of the people, but the authority of the magistrates in all other cases is submitted to as usual.

Copy of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 6th July, 1774.

[Received 17th August.]

IN my letter of June 1st, I informed your lordship, that the people of this city had chosen a committee of fifty-one persons to correspond with the sister colonies, on the present political affairs; that many of this committee were of the most considerable merchants, and men of cool tempers, who would endeavour to avoid all extravagant and dangerous measures. They have had a continual struggle with those of a different disposition, and having for several weeks succeeded in suspending any resolutions, I was in hopes they would have maintained the only conduct which can excuse them. But accounts repeatedly coming to hand from different parts of the continent, of the appointment of deputies to meet in a general congress, this measure

was

was so strenuously pushed, that it was carried in the committee of fifty-one on Monday last, and five persons were named for the deputies from this province; the persons named are, James Duane, and John Jay, two eminent lawyers, Isaac Low, Philip Livingston, and John Alsop, merchants. I am told a violent effort was made in the committee to have John Scott, an eminent lawyer, and Alexander M'Dougle, named in place of Jay, and Alsop; it is said the people are to be invited to meet on Thursday, to approve of the deputies named by the committee. These transactions are dangerous, my lord, and illegal, but by what means shall government prevent them? An attempt by the power of the civil magistrate would only shew their weakness, and it is not easy to say upon what foundation a military aid should be called in, such a measure would involve us in troubles, which it is thought much more prudent to avoid; and to shun all extremes, while it is yet possible, things may take a favourable turn. The purpose of the congress, it is said, is to petition for a redress of grievances, and to consider of a plan for settling the controversy with Great Britain. But no instructions for the deputies have yet appeared that I know of.

The present political zeal and phrenzy is almost entirely confined to the city of New York, the people in the counties are no ways disposed to become active, or to bear any part in what is proposed by the citizens. I am told all the counties but one, have declined an invitation sent to them from New York, to appoint committees of correspondence. This province is every where, my lord, except in the city of New York, perfectly quiet and in good order, and in New York a much greater freedom of speech prevails now than has done heretofore. An opposition has been declared to the vile practice of exhibiting effigies, which I hope will prevent it for the future.

Extract of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 2d August, 1774.

[Received 7th September.]

IN my letter No. three, I submitted to your lordship my opinion, that government here cannot prevent the frequent meetings of the people, which have become common every where; and I am now convinced, that if government had interfered, the most violent men would have gained great advantage, and would have prevented the acquiescence in the nomination of moderate men, which has now taken place to meet at the general congress of deputies from all the colonies, proposed to be held at Philadelphia next month.

The meeting of the delegates, I am of opinion cannot be prevented, if they pursue only such prudent measures as are calculated to remove the destructive dissensions which subsist between Great Britain

Britain and her colonies, the meeting though illegal, it may be hoped, will produce some good.

Great pains have been taken in the several counties of this province to induce the people to enter into resolves, and to send committees to join the city committee, but they have only prevailed in Suffolk county, in the east end of Long Island, which was settled from Connecticut, and the inhabitants still retain great similarity of manners and sentiments.

From a view of the numerous resolves of the people in all the colonies, which appear in every news-paper, your lordship might be led to think a stupid fatal hardness intoxicated the whole. But there are every where many people who are seriously alarmed at the critical posture of the contention between Great Britain and her colonies; they look forward with the deepest anxiety, and would rejoice in any prudent plan for restoring harmony and security. Could it be thought consistent with the wisdom of parliament to lay aside the right of raising money on the subjects in America, and in lieu thereof, that the several American assemblies should grant and secure to the crown a sufficient and permanent supply to pay all the officers and ordinary expences of government, they are of opinion this would be a groundwork upon which a happy reconciliation might be effected; the dependance of the colonies on Great Britain secured, government maintained, and this destructive contest amicably terminated. For this purpose they hope an address to his majesty will be formed at the general congress.

Extract of a Letter from Lieutenant Governor Golden to the Earl of Dartmouth, dated New York, 7th September, 1774.

[Received 11th October.]

THE destruction of captain Chambers's tea was so unexpected and sudden, that no measures could be previously thought of to prevent it.

Afterwards the gentlemen of property and principal merchants attended the meetings of the populace, when called together by their former demagogues, who thereby have lost their influence, and are neglected. The populace are now directed by men of different principles, and who have much at stake. Many papers have been published in this city to expose the measures which had been proposed by the former demagogues in opposition to government. Men now speak and publish sentiments in favour of government, and argue upon the political subjects of the times, with much greater freedom and security than has been known here for some years past, which I hope is a sign that the licentious spirit which has governed the people to their great

disgrace is checked; we have no more burning of effigies, or putting cut-throat papers under peoples doors.

I hope I am not deceived in thinking that the people of this province will cautiously avoid giving any new offence to the parliament, but great numbers are so fluctuating, that some unexpected incident may produce bad effects.

The five gentlemen whom I formerly informed your lordship were appointed by this city to be their delegates at the general congress, went to Philadelphia, the place of meeting, last week. Seven counties of this province, neither appointed delegates for themselves, nor concurred in the choice made by the city; and two counties have sent delegates of their own. I found the city delegates were embarrassed by this dissention of the people.

Extract of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 5th October, 1774.

BY my letter of the 7th of September, your lordship would find I entertained hopes that the people of this province would adopt moderate measures, and avoid giving any new offence to the parliament. I knew such were the sentiments of the farmers and country people in general; who make a great majority of the inhabitants.

A great deal of pains has been taken to persuade the counties to choose delegates for the congress, or to adopt those sent by this city. Several of the counties have refused to be concerned in the measure. In Queen's county where I have a house, and reside the summer season, six persons have not been got to meet for the purpose; and the inhabitants remain firm in their resolution not to join in the congress. In the counties that have joined in the measures of the city, I am informed the business has been done by a very few persons, who took upon themselves to act for the freeholders. A gentleman who was present when the delegates were chosen in Orange county, says there were not twenty persons at the meeting, though there are above thousand freeholders in that county; and I am told the case was similar in other counties that are said to have joined in the congress.

The violent men in this city who lost the lead among the people when the committee of fifty-one were appointed, as mentioned in my former letters to your lordship, hoped they had got an opportunity to regain their importance, and to throw the city into confusion, on occasion of orders which were received by some of our merchants to furnish articles wanted by the army at Boston. These violent men last week called a meeting of the citizens, which few but the lower class of people attended, and not a great many of them; yet they had the impudence to send a committee to the merchants who were engaged in supplying the articles wanted by the army at Boston, with a very impertinent message, and endeavoured to deter them and all others

from furnishing the army and transports with any thing whatever. These manœuvres occasioned some bustle among the people for a few days, and obliged the committee of fifty-one to desire a meeting of the inhabitants on Friday last, when a large body of the principal people and merchants appeared, and declared, that those who had taken upon them to threaten the merchants had acted without any authority from the public, and that they highly disapproved of their conduct, which has once more silenced the turbulent factious few, who are never easy when the people are quiet and orderly. The merchants now go on compleating their orders without farther interruption.

It is my duty to give your lordship the best information I am able of the disposition of the people of this province. With this view I mention the most material transactions among them. It is extremely difficult at such times to give an opinion of what may happen. The most trifling unforeseen incident may produce the greatest events. I have already said, my lord, that I am well assured almost the whole inhabitants in the counties wish for moderate measures; they think the dispute with Great Britain is carried far enough, and abhor the thoughts of pushing it to desperate lengths. In the city a large majority of the people wish that a non-importation agreement may not be proposed, and were very much surprized on finding that such a measure would probably be resolved on by the congress. I have some hopes that our merchants will avoid a non-importation agreement, even if proposed by the congress. I am certain a majority of the most considerable are convinced it is a wrong measure, and wish not to come into it, but whether they will have resolution enough to oppose the sentiments of all the other colonies, can only be known when they are put to the trial.

The speeches in parliament, and other inflammatory papers published in London, and reprinted in America, make the worst impression on the minds of the people. They are opposed in this place by publishing more papers in favour of administration, and against measures which must be offensive to parliament, than in all the other colonies put together.

Extract of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 2d November, 1774.

[Received 13th December.]

THE congress at Philadelphia broke up last week. They have published an extract of their proceedings, of which I inclose your lordship a copy. It was received in this place only two days ago, so that there has not been time to discover the general sentiments of the people upon it. It is certain, that the measures of the con-

gress do not meet with rapid applause there, but on the contrary the people even in the city, appear to be rather dissatisfied. They continue, so far as I can discover, averse to all violent and irritating measures. The merchants seem to disrelish the non-importation association, and if I am not very much deceived, the farmers will not bear the non-exportation; but at present it is impossible to say with certainty what steps the people will take in consequence of what has been advised and determined by the congress.

I think I may continue to assure your lordship, that a great majority in this province are very far from approving of the extravagant and dangerous measures of the New England governments, that they abhor the thoughts of a civil war, and desire nothing so much as to have an end put to this unhappy dispute with the mother country.

Our assembly have not met for some years past till after the Christmas holidays. Before that time I will endeavour to learn, whether I may expect that they will propose conciliatory measures.

Nothing material has happened in this place since my last letter to your lordship. The merchants are at present endeavouring to sift out each others sentiments upon the association proposed by the congress; a certain sign, I take it, that they wish to avoid it. About eighty artificers went from hence with general Haldimand to work on the barracks there; and last week iron pots and stores were shipped for the use of the troops at Boston, without an attempt being made to prevent it.

Extract of a Letter from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 7th December, 1774.

[Received 6th January, 1775.]

NOTWITHSTANDING the business which at this time agitates America, is such, that we continually expect some event of great importance, what has occurred in this province since my letter to your lordship of the 2d of November, has not been very material.

The first thing done here in consequence of the resolutions of the congress, was the dissolution of the committee of fifty-one, in order to chuse a new committee to carry the measures of the congress into effect, a day was appointed by advertisement, for chusing sixty persons to form this new committee.

About thirty or forty citizens appeared at the election, and chose the sixty persons who had been previously named by the former committee; I can no otherwise, my lord, account for the very small number of people who appeared on this occasion, than by supposing that the measures of the congress are generally disrelished.

The non-importation association affects the smugglers as well as the fair traders. No tea is to be imported from any *part of the world*, after the first day of this month.

The smugglers expect large quantities of Dutch tea, and insist that it shall be exempted from the effect of the association; others declare, that the fair traders shall not be the only sufferers. It is a dispute which I think may very probably defeat the association. Several vessels are daily expected here with goods from England, and I am told ten or twelve at Philadelphia. It is however shocking to reflect my lord, that smuggling is such a business among us, as to be publicly espoused by numbers, and more strenuously advocated than the legal trade.

In the present committee of this place there are several gentlemen of property, and who are esteemed to favour moderate and conciliatory measures. I was surprized to find such men joining with the committee whose design is to execute the plan of the congress. I have at length discovered that they act with a view to protect the city from the ravages of the mob. For this purpose they say, they are obliged at present to support the measures of the congress, that if they did not, the most dangerous men among us would take the lead; and under pretence of executing the dictates of the congress, would immediately throw the city into the most perilous situation. That however considerable the numbers may be who disapprove of violent riotous measures, yet the spirit of mobbing is so much abroad, it is in the power of a few people at any time to raise a mob; and that the gentlemen and men of property will not turn out to suppress them.

I fear, my lord, there is too much truth in this representation. It is a dreadful situation, if we are not rescued from it by the wisdom and firmness of parliament, the colonies must soon fall into distraction, and every calamity annexed to a total annihilation of government.

The assembly of this province stand prorogued to the 10th day of January, and by the advice of the council summonses are issued for them to meet on that day.

Many people think there is a probability that they will go upon conciliatory measures, and propose something that may be countenanced by administration. The event is uncertain, but on such occasions I think every thing is to be tried that may possibly avert the calamity which hangs over this country. I do not apprehend there is any danger that the assembly will make matters worse than they are.

Several pieces have been published here exposing the extravagant and dangerous proceedings of the congress, and advising the people to rely on the assembly, that they will take the most reasonable and constitutional means of restoring peace and harmony between Great-Britain and this province.

Extract of a Letter from Governor Franklin to the Earl of Dartmouth, dated Burlington, 31st May, 1774.

SINCE my last I have received two circular dispatches from Mr. Pownal, dated March 10th and April 6th, inclosing copies of his majesty's message to both houses of parliament relative to the late disturbances in America; their resolution thereupon, and the act of parliament respecting the port of Boston. The latter has been published in the usual manner, though the people in this colony are not concerned in carrying on any commerce with the province of Massachusetts Bay.

It is difficult as yet to foresee what will be the consequence of the Boston port act; it seems as if the merchants of Philadelphia and New York, at their late meetings, were inclined to assist or co-operate with those of Boston in some degree, but not to carry matters so far as to enter into a general non-importation and exportation agreement, as was proposed to them by the town of Boston; however, I believe it may be depended upon, that many of the merchants, on a supposition that a non-importation agreement (so far as respects from Great Britain) will be certainly entered into by next autumn, have ordered a much greater quantity of goods than common to be sent out by the next fall ships from England.

A congress of members of the several houses of assembly has been proposed, in order to agree upon some measures on the present occasion; but whether this expedient will take place is as yet uncertain. The Virginia assembly some time ago appointed a committee of correspondence, to correspond with all the other assemblies on the continent, which example has been followed by every other house of representatives; I was in hopes that the assembly of this province would not have gone into the measure; for though they met on the 10th of November yet they avoided taking the matter into consideration, though frequently urged by some of the members, until the 8th February, and then I believe they would not have gone into it, but that the assembly of New York had just before resolved to appoint such a committee, and they did not chuse to appear singular.

Extract of a Letter from Governor Franklin to the Earl of Dartmouth, dated Burlington, 28th June, 1774.

[Received 12th August.]

My Lord,

I Have just received a copy of some resolves entered into at a meeting of a number of freeholders and inhabitants of the county of Essex, in this province, on Saturday last, which I think it my duty

to transmit to your lordship. The meeting was occasioned it seems by an advertisement, requesting the attendance of the inhabitants on that day, and published in one of the New York papers, and signed by two gentlemen of the law who reside in that county. I have likewise had an application made to me by some of the members of the house of representatives, to call a meeting of the general assembly in August next, with which I have not, nor shall not comply, as there is no public business of the province which can make such a meeting necessary. It seems now determined by several of the leading men in most, if not all the counties in this province, to endeavour to follow the example of the freeholders in Essex. Meetings of this nature there are no means of preventing, where the chief part of the inhabitants incline to attend them. I as yet doubt, however, whether they will agree to the general non-importation from Great Britain, which has been recommended. Their principal aim seems to be to bring about a congress of deputies from all the colonies, as proposed by Virginia; and that that congress should not only apply to his majesty for the repeal of the Boston port act, but endeavour to fall upon measures for accommodating the present differences between the two countries, and preventing the like in future.

Copy of a Letter from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 31st May, 1774.

My Lord,

I Take the opportunity of the packet to acquaint your lordship, that as soon as the people of Boston knew of the late act of parliament for shutting up that port, an express was dispatched from thence with the intelligence to this city, with a proposal to concur with them in putting a total stop to the importing or exporting any kind of goods whatsoever, until the above act should be repealed.

In consequence of this, a considerable number of merchants and others had a meeting, at a tavern in this city, where I understand the matter was taken into consideration and debated. The only resolution that I can learn they came into was to prefer a petition to me, to convene the assembly on the occasion, and I am told a petition has been framed for that purpose, and is now handed about the town to be signed, and will be presented to me in a few days. Should so affrontive an application be really made to me, your lordship may be assured I shall treat it as it deserves. I have however been informed, that the movers of this extraordinary measure, had not the most distant expectation of succeeding in it, but that their real scheme was to gain time by it, to see what part the other colonies will take in so critical a conjuncture.

Should any further steps be taken here that may be worthy your lordship's information, I shall not fail immediately to communicate them.

I have the honour to be, &c.

JOHN PENN.

Extract

Extract of a Letter from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 5th July, 1774.

[Received 12th August.]

My Lord,

IN my last, of the 31st of May, I had the honour to inform your Lordship of my expectation, that a petition would be presented to me for calling the assembly. I have since received such a petition, and herewith transmit you a copy of it, as also of my answer. In consequence of my refusal to call the assembly, there was a general meeting of the people of this city and county, which, I am informed, was not so full as might have been expected on such an occasion.

Their proceedings I am only acquainted with by the news papers, one of which I send your lordship, which contains the transactions of the day. The general temper of the people, as well here as in other parts of America is very warm. They look upon the chastisement of Boston to be purposely rigorous, and held up by way of intimidation to all America; and, in short, that Boston is suffering in the common cause. Their delinquency in destroying the East India company's tea, is lost in the attention given to what is here called the too severe punishment of shutting up the port, altering the constitution, and making an act, as they term it, screening the officers and soldiers for shedding American blood. The plan which seems to be universally adopted, is the procuring a general congress, in order to state the rights, and represent the grievances of America to the throne; and to agree upon such measures as may be thought most likely to relieve Boston, and restore harmony between Great Britain and the colonies.

The measures generally talked of is the non-importation and non-exportation from and to England. Some are for making it general, and others for limiting it, but all for associating against the use of East India goods of every kind, except salt-petre and spices. In the mean time, as great numbers of people will be reduced to absolute indigence for want of their usual employment, collections are making here, and in all other parts of America, for their relief.

Extract of a Letter from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 30th July, 1774.

My Lord,

IBeg leave now to acquaint your lordship, that a meeting of deputies from the several counties of this province was held in this city on the 15th of this month, to consider of the most proper measures to be taken in the present differences between Great Britain and the colonies. The principal business done at this convention

was forming a set of resolves, and preparing a draught of instructions to their representatives, which they laid before the assembly, and immediately afterwards published them. I herewith send your lordship the news paper containing those resolves and instructions, as also the resolutions of the assembly thereupon, by which your lordship will perceive, that the steps taken by the assembly are rather a check than an encouragement to the proceedings of the committee, and this I was well assured would be the case.

I am with great respect, &c.

JOHN PENN.

Extract of a Letter from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 5th September, 1774.

[Received 11th October.]

IN my several letters of the 31st May and 4th July, I gave your Lordship an account of the temper and disposition of the people of America, with respect to the several Boston acts of parliament, and of the measures which I then understood were intended to be pursued. And I am now to inform your Lordship that deputies from the colonies of Massachusetts Bay, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties, Maryland, Virginia, and South Carolina, have met by appointment in this city, as the most central place, and assembled this morning for the first time in general congress, as it is called, to consult on the proper means of obtaining relief from hardships which they suppose to be entailed on the colonies by those acts of parliament. It is said, that deputies are also expected from the colonies of North Carolina and Georgia, but they have not yet made their appearance.

It is impossible to say what the result of their deliberations may be, but I shall not fail to inform your lordship of them by the very first opportunity that offers after they are known. I think it, however, my indispensable duty to his majesty to acquaint your lordship, that, from the best intelligence I have been able to procure, the resolution of opposing the Boston acts, and the parliamentary power of raising taxes in America for the purpose of a revenue, is in a great measure universal throughout the colonies, and possesses all ranks and conditions of people. They persuade themselves there is a formed design to enslave America, and the act for regulating the government of Canada does not immediately affect the other provinces; it is nevertheless held up as an irrefragable argument of that intention. General, however, as the resolution is to oppose, there is great diversity of opinions as to the proper modes of opposition. Some are said to be for remonstrance alone upon a state of grievances and claims. Others are for a general, and others again for a partial non-exportation and non-importation, without any remonstrance. This perhaps may be the source of divisions which will not be easily got over.

Copy of a Letter from Deputy Governor Penn to the Earl of Dartmouth dated Philadelphia, 3d October. 1774.

My Lord,

SINCE I had the honour to write to your Lordship on the 6th of last month, the congress of deputies from the several colonies have continued sitting in this city; but as they have agreed to keep all their proceedings secret, I have it not as yet in my power to transmit to your Lordship any account thereof, except what they themselves have published in the news-papers, which is comprized in three resolves. One of them is a request to the merchants in the several colonies not to send any orders to Great-Britain for goods, and to direct the execution of all orders already sent to be suspended, until the sense of the congress on the means to be taken for the preservation of the liberties of America be made public. The other two are expressive of their feelings for the sufferings of the people of Massachusetts Bay; their approbation of a set of resolves entered into by the delegates of the county of Suffolk in that province, and their opinion that the contributions from all the colonies for supplying the necessities of the people of Boston, ought to be continued as long as their occasions may require. But as these resolves, as well as those of the county of Suffolk, are inserted at large in the public papers, I beg leave to inclose two of the papers which contain them, and as soon as any further transactions of the congress are made known, I shall not fail to communicate them to your Lordship by the first opportunity.

I have the honour to be, &c.

JOHN PENN.

Copy of a Letter from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 31st October, 1774.

[Received 13th December.]

My Lord,

I HAVE the honour to acquaint your lordship that the congress of delegates from the several colonies dissolved themselves on the 26th instant, and have just published the principal part of their proceedings. I therefore take the earliest opportunity of transmitting you herewith two printed copies of them; and I am informed, that, besides what is contained in these extracts, they have framed a petition to his majesty, but not having had the least connection or intercourse with any of the members of the congress, I am entirely unacquainted with its contents, or with any other part of their transactions which they have not thought fit to make public. I am, &c.

JOHN PENN.

Extract of a Letter from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 4th November, 1774.

[Received 17th December.]

I HAVE the honour of your lordship's letter, No. 6, of the 7th of September, before the receipt of which I wrote you by the packet, and inclosed you a pamphlet containing extracts of the proceedings

the late congress of American deputies of this place. What tendency the measures they have taken may have to compose the unhappy differences between the mother country and its colonies, is a question which occasions a variety of opinion. I can only wish their transactions may not be viewed in such a light as to retard that union which good men anxiously desire may be speedily established.

Copy of a Letter from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 6th December, 1774.

My Lord,

SINCE my last letter dated, dated the 4th of November, no public occurrence has happened within my government, except that in pursuance of the recommendation of the congress, the inhabitants of the city and county of Philadelphia, and some other counties of this province, have appointed committees to observe the conduct of all persons within their respective districts, touching the association entered into by the congress, and to see that the same be not violated. Whenever any thing material occurs, I shall take care to communicate the same to your lordship by the first opportunity.

I have the honour to be with great respect, &c.

JOHN PENN.

Copy of a Letter from the Earl of Dunmore to the Earl of Dartmouth, dated Williamsburg, 29th May, 1774.

My Lord,

THE general assembly of this colony met here on the 6th of May for dispatch of the necessary business, and a few days after an account arrived in this country of the act of parliament passed for discontinuing the shipping or discharging goods in the harbour of Boston, which has induced the House of Burgesses again, on this occasion, to declare what they are fond of having it thought, always originates with them a determined resolution to deny and oppose the authority of parliament. Accordingly Robert Carter Nicholas, the treasurer of this colony, made a motion for the order, which passed, and which I herewith transmit to your lordship.

It was intended by the solemnity of a public fasting and praying to prepare the minds of the people to receive other resolutions of the house, the purport of which I am not informed of, but from such a beginning may naturally be concluded could tend only to inflame the whole country, and instigate the people to acts that might rouse the indignation of the mother country against them; in hopes therefore of preventing the progress of these ill effects by the only means in my power, which I fear will not be effectual, I have with the unanimous consent of the council dissolved the assembly, and I have determined not to issue new writs until I hear from your lordship, and am informed whether his majesty shall think it necessary to give me any command in respect to this undutiful part of the legislature of Virginia.

I have heard from many of the dissolved members, and I hope it is true, that the house in general in the hasty manner the measure was proposed and agreed to, did not advert to the whole force of the terms in which the order I transmit is conceived, and that if it had, it is believed a strong opposition would have been made to it, and probably that it might have met a different fate. I am, &c.

DUNMORE.

*Copy of a Letter from the Earl of Dunmore to the Earl of Dartmouth,
dated Williamsburg, 6th June, 1774.
[Received 11th July.]*

My Lord,

SINCE the dissolution of the assembly of Virginia, but before all the members of the House of Burgesses had quitted this city, there arrived an express dispatched from Boston to the committee of correspondence here; as I learn, has likewise been done to all the other colonies, to excite and encourage the whole to shut up the courts of justice against all English creditors, to join in a general association against the importing any British manufactories, or even exporting any of their own produce to Great-Britain, and proposing a congress of deputies from all the colonies forthwith.

I am really unable to suggest to your lordship to what lengths the people of this colony will be induced to proceed, further than what they have already made manifest by the order of the House of Burgesses and subsequent association, the copies of which I have already transmitted to your lordship; but the part of the late burgesses remaining in town at the arrival of the Boston messenger, having taken upon themselves to receive his dispatches and to enter into a consideration of their contents, and then to summon the inhabitants all above the age of twenty-one to appear at an hour they choose to appoint, and to propose to them to agree to all those violent measures above mentioned, which that they may be more solemnly entered into and more generally adopted, they have deferred the execution of to a further consideration on the first day of August next, when all the members that composed the late house of burgesses are required to attend; these circumstances give too much cause to apprehend, that the prudent views, and the regard to justice and equity as well as loyalty and affection, which is publickly declared by many of the families of distinction here, will avail little against the turbulence and prejudice which prevails throughout the country; it is, however, at present quiet.

In the order of the house of burgesses, which I before transmitted, your lordship will observe, that the Rev. Mr. Gwatkin, who was the professor of mathematicks and natural philosophy in this college, and is now the principal master of the grammar school, and who is of a most exemplary good character and great literary abilities, is appointed to preach the sermon on that occasion; in justice, to which gentleman, I think it necessary to let your lordship know, that his name was made use of entirely without his knowledge, and that he

civilly,

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civilly, but with firmness declined being employed for such a purpose, and which proved no little mortification to the party who dictated the measure.

I am your lordship's most
obedient humble servant.

DUNMORE.

P. S. The paper which is herewith inclosed is just come out of the printing-office, and contains resolutions which the city of Annapolis has entered into, and are the same which I have already mentioned to your lordship are proposed for this colony to join in; but the time that has been set for the reconsideration of them may possibly be sufficient to cool the heat of the party, which is now strenuously endeavouring to establish them.

Extract of a Letter from the Earl of Dunmore to the Earl of Dartmouth, dated Frederick County in Virginia, 14th August, 1774.

INCLOSED, I send your lordship the resolutions and instructions of the delegates of the different counties of this colony.

Extract of a Letter from Lieutenant Governor Bull to the Earl of Dartmouth, dated Charles Town, 31st July, 1774.

[Received 16th September.]

I Had expectation that the measures taken by the parliament relative to Boston, would have had some happy effect towards composing the disturbances in this province which seemed to have subsisted a little last winter, but it has taken a contrary turn. Their own apprehensions and thoughts, confirmed by the resolutions and correspondence from other colonies, have raised an universal spirit of jealousy against Great Britain, and of unanimity towards each other; I say universal my lord, for few who think otherwise are hardy enough to avow it publicly.

The general claim is, exemption from taxation, but by their own representatives, as co-essential with the British, their own constitution. Some who do not enter so deep into principles, are alarmed at the consequence of a ready acquiescence under taxation by the parliament, as they apprehend that then all the variety of ways and means of raising money in Great Britain will be soon put in practice here, and applied to purposes not merely American.

Such arguments as the last are easily understood and felt by every man, and catches like wild-fire among the multitude. They are deaf to the argument on the other side of the question, though obvious to a man of consideration, that in every empire an absolute power must necessarily be lodged some where, over all the parts and members thereof, which in Great Britain is in the king and his parliament. But liberty or slavery in their greatest latitude, is the alternative generally held forth in their popular meetings, for little attention or patience is shewn to those who attempt to state things in a different light.

Your

Your lordship has doubtless been informed of the proposal from Boston, that there should be a congress of committees from every province, to consider of what was proper to be done by them in this crisis. Accordingly on the sixth instant a great concourse of people assembled in Charles Town, in order to chuse a committee of five men for South Carolina. I inclose Timothy's gazette, which publishes the result thereof.

I beg your lordship's permission to observe, and I do it with great concern, that this spirit of opposition to taxation and its consequences, is so violent and so universal throughout America, that I am apprehensive it will not be soon or easily appeased. The general voice speaks discontent, and sometimes in a tone of despair, as determined to stop all exports to, and imports from Great Britain, and even to silence the courts of law, foreseeing but regardless of the ruin that must attend themselves in that case; content to change a comfortable for a parsimonious life, to be satisfied with the few wants of nature, if by their sufferings they can bring Great Britain to feel.

This is the language of the most violent, others think it is going too far; and the most violent too often prevail over the moderate. When man shall in general lay aside the hopes of getting riches, and abandon the employment of agriculture, commerce, and mechanic labour, what turn their leisure time under such circumstances may take, I submit to your lordship's knowledge of history, and of the human mind. Such sudden and great changes in the manners of an extended thriving people, among whom the gazettes are filled with such variety of articles for luxury, is scarce credible, though possible, but the continuance of it is very improbable. The first account of the result of the congress at Philadelphia, may reach your lordship the beginning of November. I think it my duty to make this true and faithful representation of the disposition and temper of the people, how disagreeable it may however appear, and to confide in the royal wisdom for the remedy.

Captain Maitland, who on the 18th instant had brought in several chests of tea for merchants in this town, which he had promised the general committee, as it is called, to destroy or carry back, and taken up his load of rice in the mean time, gave great offence to the committee and the people, as the tea was that day landed by the custom-house officers, and lodged in the king's store-house.

Several hundred men went with great threats in quest of him in the evening, but as they entered his ship on one side, he went off from the other, and took shelter on board his majesty's ship Glasgow, then in Rebellion Road, and next morning his ship was removed from the wharf by captain Maltby's assistance. Another parcel of tea since arrived, by consent of the committee, is lodged in the king's stores in the same predicament. Although captain Maitland sails first, yet as his ship is heavy laden, I think my account of these matters will reach your lordship soonest by the packet, &c.

Extract of a Letter from Lieutenant Governor Bull to the Earl of Dartmouth, dated Charles-Town, 3d August, 1774.

[Received 16th September.]

IT having been expected that I should prorogue the general assembly yesterday at the usual time, about ten or eleven o'clock; the assembly privately and punctually met at eight o'clock, in the morning, and made an house, which was very uncommon. They had not been assembled five minutes before I was apprized of it. I immediately went to the council chamber in order to prorogue them, and waited a few minutes for one or two of the council to be present. As soon as I sent for the assembly they attended, and I prorogued them to the 6th of September. But their business having been ready prepared, in which they were all previously agreed, it required only a few minutes to pass through the forms of the house. They came to two resolutions, one approving and confirming the election of the five persons, chosen on the 6th of last month, to assist at the congress from the several provinces, and the other, that they would provide for the expence of their voyage. I returned to my own house again in less than twenty minutes past eight. Your lordship will see by this instance with what perseverance, secrecy, and unanimity, they form and conduct their designs; how obedient the body is to the heads, and how faithful in their secrets.

Extract of a letter from Lieutenant Governor Bull to the Earl of Dartmouth, dated Charles-Town, South Carolina, November 23d, 1774.

WITHOUT giving your lordship the trouble of another letter upon the result of the late congress at Philadelphia, which doubtless hath long since reached your lordship's hands; I beg leave only to add, that the disposition of this province, in their political discontents, remain the same; that the people of the province are, in the beginning of next January, again to chuse deputies to repair to the Philadelphia congress by the 10th of May; and that I have farther prorogued the general assembly to the 24th day of January, before which time we expect to receive some accounts of the measures that shall be adopted by the new parliament relative to American affairs.

Extract of a Letter from Sir James Wright, to the Earl of Dartmouth, dated Savannah, in Georgia, 25th July, 1774.

OUR neighbours, in Carolina are in great wrath about the acts of parliament which have been passed relative to the Massachusetts Bay government, and have come to some very indecent resolutions, to call them no worse, and, according to custom, have been very busy in sending hand-bills, letters, and public invitations, &c. &c. to stir up the people here to concur with them, and follow their example, and a meeting is to be on Wednesday next. There are, my lord, here, as well as every where else, malecontents and violent liberty people, and I will not answer for their conduct, whether it may not be ungrateful and improper; but as soon as they have come to any

any resolutions or determinations, I shall not fail to acquaint your lordship therewith.

Extract of a Letter from Sir James Wright, Bart. to the Earl of Dartmouth, dated Georgia, 13th August, 1774.

IAm sorry to acquaint your lordship that there have been two meetings of the liberty folks here, and some resolutions were drawn up yesterday, but not yet published; the particulars of which, and mode of conduct, I shall fully transmit to your lordship as soon as may be.

Extract of a Letter from Governor Wright to the Earl of Dartmouth, Savannah, in Georgia, 24th August, 1774.

IN mine of July 25th, No 23. and August 13th, No 24. I acquainted your lordship that I should give you a full account of the conduct and proceedings of the liberty people here, as soon as I knew for certain what they did or meant to do; and I mentioned that some papers were preparing by which I believed it would appear that these resolutions were not the voice of the people, but unfairly and insolently made by a junto of a very few only, but which papers are not yet compleated. Every thing, my lord, was done that could be thought of to frustrate their attempt, but this did not totally prevent it.

I have been informed of another summons and meeting to be in St John's parish, on the 30th instant, and, my lord, as long as these kind of summonses and meetings are suffered, a private man take upon him to summons a whole province, to consult upon and redress public grievances, I apprehend there will be nothing but cabals and combinations, and the peace of the province, and minds of the people continually heated, disturbed, and distracted. And the proclamation I issued against them is termed *arbitrary and oppressive, and an attempt to debar them of their natural and lawful rights and privileges*. In short, my lord, if these calls and meetings are considered as *illegal and improper*, it will require the interposition of *higher authority* to remedy the evil, for the executive powers of government in the colonies are too weak to rectify such abuses, and prosecutions would only be laughed at, and no grand jury would find a bill of indictment, and the persons ordering and carrying them on probably insulted and abused.

Extract of a Letter from Sir James Wright, Bart. to the Earl of Dartmouth, dated Savannah, 13th October, 1774.

My Lord,

IN my letter of the 24th of August, No. 26, I mentioned that some protests and dissents were preparing in different parts of the province, which were not then compleated. These were not sent to town till lately, and only published in yesterday's paper, and, which I now inclose; they have been wrote by the people themselves, just in their own way, as your lordship will see by the stile. However, they certainly shew that the sense of the people in this province is against any resolutions, and that those attempted by a few in Savannah are held in contempt.

Extract of a Letter from Governor Martin to the Earl of Dartmouth, dated Newburn, North Carolina, 1st September, 1774.

[Received 31st January, 1775.]

YOUR lordship will not, I dare say, be surprized to hear that the people of this colony have followed the example of the rest of the continent, in caballing and forming resolutions upon the late measures of government, with regard to the divisions in the colony of the Massachusetts bay. The readiness with which the intemperate declarations of the Virginia assembly were adopted and re-echoed here, will have shewn your lordship that this people are but of too congenial disposition. What system the other continental assemblies have formed by their committees of correspondence, which your lordship must know have been appointed, I cannot tell, having never understood that their proceedings have transpired more than those of the committee here, of which nothing appears upon the assembly's journal, but the resolves entered into on the first establishment of that committee, and that letters had been received from the committees in the other colonies, the contents of which are held secret. Whatever measures may have been taken, the combination is assuredly at least innocent and inglorious.

The first intimation that I received, except from vague rumour, of the measures lately taken here, was from the inclosed letter of a committee at Wilmington, to the freeholders of Craven county, where my residence is fixed. Whereupon I immediately ordered the council to be summoned, that I might advise with them on the measures proper to be taken to discourage and prevent such unlawful and indecent proceedings. Your lordship will see, by the minutes of that board, herewith transmitted, that on the 12th of last month I laid the letter before them, and that I issued, with their advice, a proclamation, the next day; apprehending however, that under the total inability of government to enforce even what common decorum required, the proposed meeting of deputies at Newburn, the seat of government, that was ultimately agreed to be the place of rendezvous would be accordingly held, and considering it would be my duty to be at hand, to discourage their proceedings as much as lay in my power, and to take such measures as circumstances should require for the maintenance of order and government, I resolved there to wait until the time of meeting was past, although the very impaired state of my health made it highly expedient to remove, at that season, from so unwholesome a situation. Hence, at the very time, I was compelled to send my family to New York, as the only chance of preserving it from destruction.

O

Resolutions

Resolutions entered into at a Meeting of the Inhabitants of the District of Wilmington, 21st July, 1774, and Address to the Freeholders of Craven County.

[Enclosed in the preceding.]

At a general meeting of the inhabitants of the district of Wilmington in the province of North Carolina, held at the town of Wilmington, July 21, 1774.

WILLIAM HOOVER Esq. Chairman.

Resolved,

THAT colonel James Moore, John Ancrum, Fred. Jones, Samuel Ashe, Robert Howe, Robert Hogg, Francis Clayton, and Archibald Maclane, Esqrs. be a committee to prepare a circular letter to the several counties of this province, expressive of the sense of the inhabitants of this district with respect to the several acts of parliament lately made for the oppression of our sister colony of the Massachusetts bay for having exerted itself in defence of the constitutional rights of America.

Resolved, That it will be highly expedient that the several counties of this province should send deputies to attend a general meeting at Johnston court house, on the 20th day of August next, then and there to debate upon the present alarming state of British America, and in concert with the other colonies, to adopt and prosecute such measures as will most effectually tend to avert the miseries which threaten us.

Resolved, That we are of opinion, in order to effect an uniform plan for the conduct of all North-America, that it will be necessary that a general congress be held, and that deputies should there be present from the several colonies, fully informed of the sentiments of those in whose behalf they appear, that such regulations may then be made as will tend most effectually to produce an alteration in the British policy and to bring about a change honourable and beneficial to all America.

Resolved, That we have the most grateful sense of the spirited conduct of Maryland, Virginia, and all the other northern provinces, and also the province of South Carolina, upon this interesting occasion, and will, with our purses and persons, concur with them in all legal measures that may be conceived by the colonies in general, as most expedient, in order to bring about the end which we all so earnestly wish for.

Resolved, That it is the opinion of this meeting, that Philadelphia will be the most proper place for holding the American congress, and the 20th of September the most suitable time; but in this we submit our own to the general convenience of the other colonies.

Resolved

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Resolved, That we consider the cause of the town of Boston as the common cause of British America, and as suffering in defence of the rights of the colonies in general; and therefore we have, in proportion to our abilities, sent a supply of provisions for the indigent inhabitants of that place, thereby to express our sympathy in their distress, and an earnest of our sincere intentions to contribute by every means in our power to alleviate their distress, and to induce them to maintain, with prudence and firmness, the glorious cause in which they at present suffer.

To the Freeholders of Craven County.

Gentlemen,

AT this conjunction of British politics, when the liberty and property of North-American subjects are at stake, when the schemes of designing minister are so far matured to action that the port of Boston is shut up, that the charter of the Massachusetts Bay is cruelly infringed, and its government converted into one nearly military, to be so would be insidious.

To avoid such imputations to this part of the province, we, the subscribers, appointed a committee of correspondence for the town and district of Wilmington, at a most respectable meeting of the freeholders of this district, by their express command, take this earliest opportunity of acquainting you with their resolutions, a copy of which we now enclose to you, and request that you would send the members already by you elected, to represent you in the general assembly, or such other persons whom you shall approve of, to appear as your deputies at the court house of Johnston county, on the 20th day of August next, possessed of the sentiments of those on whose behalf they intend, and with full power to express it as obligatory upon the future conduct of the inhabitants of this province; and then and there to consult and determine what may be necessary to the general welfare of America and of this province. We at the same time take the liberty to inform you, that there has been set on foot a subscription for the relief of the poor artisans and labourers of the town of Boston, precluded by one of the forementioned measures of the British minister, from following their respective occupations, and we have reason to congratulate ourselves upon the generous contribution of the inhabitants, which has put it in our power to load a vessel with provisions, which will sail this week for the port of Salem.

We rely upon your sending an immediate answer to these our proposals, and wishing you success in all your efforts for the support of the constitutional liberties of America, permit us to subscribe ourselves,

Gentlemen, your very humble servants,

J. A. MOORE,
ROB. HOGG,
FRANCIS CLAYTON,
JOHN ANCRUM,

Extract of a Letter from Lieutenant Governor Bull to the Earl of Dartmouth, dated Charles Town, 19th December, 1774.

Nothing new has occurred in this province relative to the American discontents, nor do I expect any before the meeting in next January of the deputies from the several parishes, for the chusing delegates to assist at the general congress at Philadelphia in May next, when some thing may perhaps be produced either from some bold dissentient or daring demagogue, with which I shall not fail to acquaint your lordship, if any thing is of consequence enough to deserve your lordship's notice.

Charge given by Judge Drayton of South Carolina, and Presentments of the Grand Jury.

*South Carolina, Camden District
November Sessions, 1774.*

AT a court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, begun and holden at Camden for the district of Camden, on the 5th day of November, in the year of our Lord 1774, before the Honourable William Henry Drayton Esq. one of the justices of our sovereign lord the King.

Ordered, That the charge of his honour the judge, together with the presentments of the grand jury at the present sessions, be published
By the Court,

JOHN N. OGLETHORPE, D. C. C. and S.

The CHARGE.

Gentlemen of the Grand Jury,

You are now met to discharge one of the most important duties in society, for you are assembled arbiters of the innocence or guilt of such of your fellow citizens who are so unfortunate as to have afforded occasion, however slight, for the laws to take cognizance of their conduct. You are authorized to pass judgment in the first instance upon the apparently guilty wretch, and by your acquittal or voice you have power to shield apparent innocence from a malicious prosecution; such powers have the constitution of your country vested in you, powers no less important than truly honourable, when exercised with a fearless integrity.

It is your indispensable duty to endeavour to exercise these powers with propriety; it is mine concisely to point out to you the line of your conduct, a conduct which the venerable constitution of your country intends, by protecting the innocent and by delivering the guilty

erty over to the course of law, should operate to flourish in its native soil, even that constitution itself from whose generous spirit we have a title to call ourselves freemen, an appellation which peculiarly distinguishes the English subjects (those unfortunately disappointed fellow-citizens in Quebec excepted) and ranks them above all the civilized nations of the earth.

By as much as you prefer freedom to slavery, by so much ought you to prefer a generous death to servitude, and to hazard every thing to endeavour to maintain that rank which is so gloriously pre-eminent above all other nations. You ought to endeavour to preserve it, not only for its inestimable value, but from a reverence to our ancestors from whom we received it, and from a love of our children, to whom we are bound by every consideration to deliver down this legacy, the most valuable that ever was or can be delivered to posterity. It is compounded of the most generous civil liberty which ever existed, and the sacred christian religion released from the absurdities which are inculcated, the shackles which are imposed, the tortures which are inflicted, and the flames which are lighted, blown up and fed with blood, by the Roman catholic doctrines : doctrines which tend to establish a most cruel tyranny in church and state ; a tyranny under which all Europe groaned for many ages. And such are the distinguishing characters of this legacy, which may God of his infinite goodness and mercy long preserve to us and graciously continue to our posterity : but without our pious and unwearied endeavours to preserve those blessings, it is folly and presumption to hope for a continuance of them. Hence in order to stimulate your exertions in favour of your civil liberties, which protect your religious rights ; instead of discoursing to you of the laws of other states and comparing them to our own, allow me to tell you what your civil liberties are, and to charge you, which I do in the most solemn manner, to hold them dearer than your lives ; a lesson and charge at all times proper from a judge, but particularly so at this crisis, when America is in one general and generous commotion touching this truly important point.

It is unnecessary for me to draw any other character of those liberties than that great line by which they are distinguished ; and happy for the subject that those liberties can be marked in so easy and in so distinguished a manner. And this is the distinguishing character : English people cannot be taxed, nay they cannot be bound by any law unless by their consent, expressed by themselves or by their representatives of their own election. This colony was settled by English subjects ; by a people from England herself ; a people who brought with them, who planted in this colony, and who transmitted to their posterity, the invaluable rights of Englishmen ; rights, which no time, no contract, no climate can diminish. Thus possessed of such rights, it is of the most serious importance that you strictly execute those

those regulations which have arisen from such a parentage, and to which you have given the authority of laws by having given your constitutional consent that they should operate as laws; for by your not executing what those laws required, you would weaken the force and would shew, I may almost say, a reasonable contempt of those constitutional rights out of which your laws arise, and which you ought to defend and support at the hazard of your lives. Hence by all those ties which mankind hold most dear and sacred; your reverence to your ancestors; your love to your own interests; your tenderness to your posterity, by all the awful obligations of your oath, I charge you to do your duty; to maintain the laws, the rights, the constitution of your country, even at the hazard of your lives and fortunes.

Some courtly judges stile themselves the King's servants, a stile which sounds harshly in our ears, inasmuch as the being a servant implies obedience to the orders of the masters, and such judges might possibly think, that in the present situation of American affairs this charge is inconsistent with my duty to the King. But for my part, in my judicial character, I know no master but the law; I am a servant, not to the King, but to the constitution; and in my estimation, I shall best discharge my duty as a good subject to the King and a trusty officer under the constitution, when I boldly declare the law to the people, and instruct them in their civil rights. Indeed you gentlemen of the grand jury, cannot properly comprehend your duty and your great obligation to perform it, unless you know those civil rights from which these duties spring, and by knowing the value of those rights thence learn your obligations to perform these duties.

Having thus generally touched upon the nature and importance of your civil rights, in order to excite you to execute those laws to which they have given birth; I will now concisely point out to you the particular duties which the laws of your country require at your hands.

Unbiassed by affection to, and unawed by fear of any man, or any set of men, you are to make presentment of every person and every proceeding militating against public good. The law orders you particularly to give in charge, to watch carefully over our Negro act and our jury law, a law which cannot be too highly valued, whether we regard the excellency of its nature or the importance of its object. The law carries in itself an indelible mark of what high importance the legislature thought it when they enacted it; and it carries in itself also a kind of prophecy that its existence in its native vigor would in after times be endangered, and therefore it is that the law orders the judges ever to charge the grand juries to watch over it with care; indeed you ought to do so with the most jealous circumspection. A learned judge says, "Every new tribunal erected for the decision of facts without the intervention of a jury, is a step towards aristocracy, the most oppressive of absolute governments; and it is therefore a duty which

which every man owes to his country, his friends, his posterity, and himself, to maintain to the utmost of his power this valuable constitution in all its rights, to restore it to its ancient dignity, if at all impaired; to amend it wherever it is defective, and above all to guard with the most jealous circumspection, against the introduction of new and arbitrary method of trial, which under a variety of plausible pretences, may in time imperceptibly undermine this best preservative of English liberty." Mr. Justice Blackstone terms the English trials by jury, the glory of the English laws; let me tell you our trial by jury is that kind of glory in full meridian lustre, in comparison of which the English mode appears only with diminished splendor.

But let not your care of this great object occupy all your attention; you are to find all such bills of indictment as the examination of witnesses in support of them may induce you to think there is a probability that the fact charged is true; for you are not to exact such circumstantial and positive evidence as would be necessary to support the indictment before a petit jury. To make those presentments and to find these bills, it is not necessary that you all agree in opinion; twelve united voices among you are sufficient to discharge the duties of a grand jury: but it is absolutely necessary that twelve of you agree in opinion upon every point under your consideration; and happy, thrice happy are that people who cannot be made to suffer under any construction of the law, but by the united voices of twenty four impartial men, having no interest in the cause, but that the laws be executed and justice be administered.

In short, that you may discharge your duty with propriety, and that you may pursue that course of conduct which the law requires, let me in the strongest terms recommend to you that you keep constantly in your mind the nature and particulars of the oath which you have just taken. To you this oath is of as much importance as the mariners compass is to those who sail on the ocean: this points out the course of their voyage; your oath as clearly points out to you the course of your conduct. I dare say you are willing to discharge that duty which you owe to society; I make no doubt but that you will discharge it with advantage to the public, and therefore with honour to yourselves.

The PRESENTMENTS of the Grand Jury for this district at a court of general sessions of the peace, oyer and terminer, assize and general goal delivery, begun and holden at Camden, on the 5th day of November in the year of our Lord, 1774.

I. We present as a grievance, the extensive bounds of the parish of St. Mark, which makes it difficult for the churchwardens and overseers of the poor, to collect the poor tax, and a great means to hinder the propagation of the gospel in the back parts of the said parish.

II. We present as a grievance, that there is not a law to ascertain the prices of entertainment at public houses; there being a great number of

of them in Camden district, who frequently impose on strangers and travellers, by making them pay exorbitantly for what they stand in need of, to the great detriment of the poor.

III. We present as a grievance of the most dangerous and alarming nature, the power exercised by the parliament, to tax and to make laws to bind the American colonies in all cases whatsoever. We conceive such a power is destructive of our birth-rights as freemen, descended from English ancestors, seeing, such freemen cannot be constitutionally taxed or bound by any law, without their consent, expressed by themselves, or implied by their representatives of their own election, a consent which the good people of this colony never have signified to be taxed or bound by laws of the British parliament, in which they never have had any constitutional representation. And whereas we rather chuse to die freemen, than to live slaves bound by laws, in the formation of which we have no participation: so now, that the body of this district are legally assembled, as one step towards the defence of our constitutional rights, which are dearer to us than our lives and fortunes. We think it our indispensable duty to the people of the district, to ourselves, the grand jurors for the body of the people, and to our posterity, thus clearly to express the sense of this large and populous district, touching our constitutional rights, and the very imminent danger to which they are exposed from the usurped power of the British parliament, taxing and by law binding the Americans in all cases whatsoever; being resolved to maintain our constitutional rights at the hazard of our lives and fortunes, we do most earnestly recommend, that this presentment in particular be laid before our constitutional representatives in general assembled, who, we doubt not, will do all in their power to support us in our just rights.

And lastly, in testimony of the satisfaction we feel, and the high estimation in which we hold the charge given by his honor the Judge at the opening the court, and the principles of loyalty and liberty, in which the same is manifestly founded, and also, that a lasting evidence may remain of that true and constitutional language, which is the duty of every judge to adopt, in the exercise of an office instituted solely for the preservation of the laws. We make it our request that his honor will be pleased to direct the said charge to be printed and made public; fully persuaded that every man will read with applause, who wishes a lasting security to the British constitutional establishment of civil and religious liberty; we also recommend the publication of these our presentments.

MATTHEW SINGLETON, Foreman.

JOSHUA ENGLISH,
SILVESTER DUNN,
JOHN PERKINS, Sen.
JOHN PAYN,

THOMAS CASITY,
HENRY CASSELS,
JASPER SUTTON,
SAMUEL BRADLEY,

} L.

ISHAM

ISHAM MOORE,	JAMES CONYERS,	} L. S.
JOHN CANTY,	DAVID WILSON,	
JOHN WITHERSPOON,	AARON FRIERSON,	
JOHN GAMBLE,	MOSES GORDON,	
ROBERT CARTER,	SAMUEL CANTRY,	
HENRY HUNTER,	EDWARD DUKEY,	
DAVID NEILSON,	JOHN CANTEY.	

Copy of a Letter from Sir James Wright, Bart. to the Earl of Dartmouth, dated Savannah in Georgia, the 13th of December, 1774.

My Lord,

Think it my duty to acquaint your lordship, that since the Carolina deputies have returned from the continental congress, as they call it, every means possible have been used to raise a flame again in this province. Those people, it is said, solemnly undertook that this province should accede to the resolves of that congress, and we have been in hot water ever since, and I suppose, the sons of liberty here, stimulated by Carolinians, will take upon them to pass resolves in the name of the whole province. I shall endeavour as much as possible to prevent but the sanction given to rebellion by the resolves and proceedings of that congress, has greatly encouraged the spirit of political enthusiasm, which many were possessed of before, and raised it to such a height of phrensy, that God knows what the consequences may be, what man, or whose property may escape their resentment; the only consolation I have, my lord, is, that things cannot continue long in this state, and must come to a point soon: indeed I hope some determination is come to already, or will, before the parliament rises for the holidays. I have, &c.

J. WRIGHT,

Copy of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth, dated Boston, the 26th of December, 1774.

[Received January the 31st, 1775.]

I had the honour to write to your lordship by the opportunity of Col. Prescott of the English Fusileers, who sailed out of this harbour for transport on the 16th instant, since which time we have received accounts of an attack made by a number of people in New Hampshire, on His Majesty's fort William and Mary in Piscataqua harbour. There has been different reports concerning the transaction, but I transmit your lordship copies and extracts of letters that I have received

ceived from governor Wentworth upon the subject. A frigate and sloop of war are now in that harbour, and we have received no account of further disturbance since they arrived.

This congress we have heard had privately appointed a commissary to provide military stores; and news is just come from Worcester in this province, that he or his deputies are providing a stock of provisions at that place.

Copy of a Letter from Governor Wentworth to Governor Gage, dated the 14th of December, 1774.

[Enclosed in Gen. Gage's Letter of December the 26th, 1774.]

Portsmouth, New Hampshire

Sir,

I Have the honor to receive your excellency's letter of the 9th instant, with the letter from the Secretary of state, which were both delivered to me on Monday evening last by Mr. Whiting.

It is with the utmost concern I am called upon by my duty to the King, to communicate to your excellency a most unhappy affair perpetrated here this day.

Yesterday in the afternoon, Paul Revere arrived in this town, express from a committee in Boston to another committee in this town, and delivered his dispatch to Mr. Samuel Cutts, a merchant of this town, who immediately convened the committee of which he is one, and, as I learn, laid it before them. This day about noon, before any suspicions could be had of their intentions, about four hundred men were collected together, and immediately proceeded to his Majesty's Castle, William and Mary, at the entrance of this harbour, and forcibly took possession thereof; notwithstanding the best defence that could be made by captain Cochran (whose conduct has been extremely laudable, as your excellency will see by the inclosed letter from him), and by violence carried away upwards of 100 barrels of powder belonging to the King, deposited in the castle. I am informed that expresses have been circulated through the neighbouring towns, to collect a number of people to-morrow, or as soon as possible, to carry away all the canon and arms belonging to the castle, which they will undoubtedly effect, unless some assistance should arrive from Boston in time to prevent it. This event too plainly proves the imbecility of this government to carry into execution his Majesty's order in council, for seizing and detaining arms and ammunition imported into this province, without some strong ships of war in this harbour: neither is the province or custom-house-treasury in any degree safe, if it should come into the mind of the popular leaders to seize upon them.

The

1775.

D E B A T E S.

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The principal persons who took the lead in this enormity are well known. Upon the best information I can obtain, this mischief originates from the publishing the secretary of state's letter, and the King's order in council at Rhode Island, prohibiting the exportation of military stores from Great Britain, and the proceedings in that colony in consequence of it, which have been published here by the forementioned Mr. Revere and the dispatch brought, before which all was perfectly quiet and peaceable here. I am, &c.

(Signed)

J. WENTWORTH.

Copy of a Letter from Captain Cochran, Commander of Fort William and Mary, in New Hampshire, to Governor Wentworth, dated the 14th of December, 1774.

[Enclosed in Governor Gage's, of the 26th of December, 1774.]

May it please your Excellency.

Received your excellency's favour of yesterday, and in obedience thereto kept a strict watch all night, and added two men to my usual number, being all I could get. Nothing material occurred till this day at five o'clock, when I was informed, there was a number of people coming to take possession of the fort, upon which, having only five effective men with me, I prepared to make the best defence I could, and pointed my guns to those places where I expected they would enter. About three o'clock the fort was beset on all sides by upwards of four hundred men. I told them, on their peril not to enter: they replied they would. I immediately ordered three four pounders to be fired on them, and then the small arms, and before we could be ready to fire again, we were stormed on all quarters, and they immediately secured both me and my men, and kept us prisoners about one hour and a half, during which time they broke open the powder-house, and took all the powder away except one barrel, and having put it into boats and sent it off, they released me from my confinement. To which can only add, that I did all in my power to defend the fort, but all my efforts could not avail against so great a number. I am your excellency's, &c.

(Signed)

JOHN COCHRAN.

Copy of an Extract of a Letter from Governor Wentworth to Governor Gage, dated Portsmouth, New Hampshire, the 16th of December, 1774.

[Enclosed in Governor Gage's of the 26th of December, 1774.]

ON Wednesday last after twelve o'clock, an insurrection suddenly took place in this town, and immediately proceeded to his Ma-

jeſty's caſtle, attacked, overpowered, wounded and confined the captain and thence took away all the King's powder. Yeſterday number more aſſembled, and laſt night brought off many canons, &c. and about ſixty muſkets. This day the town is full of armed men who reſuſe to diſperſe, but appear determined to compleat the diſmantling the fortrefs intirely. Hitherto the people abſtain from private or perſonal injuries; how long they will be ſo prevailed on it, is impoſſible to ſay. I muſt ſincerely lament the preſent diſtractions, which ſeem to have burſt forth by means of a letter from William Cooper to Samuel Cutler delivered here on Tueſday laſt P. M. by Paul Revere. I have not time to add further on this melancholy ſubject.

P. S. The populace threaten to abuſe colonel Fenton, becauſe he has to them declared the folly of their conduct, and that he will do his duty as a juſtice in executing the laws. They will never permit him to retract, if all the men in the province attack him. If I had two hundred ſuch men, the caſtle and all therein would yet have been ſafe. At this moment the heavy cannon are not carried off, but how ſoon they may be, I cannot ſay.

Extrait of a Letter from Lieutenant Governor Coldon, to the Earl of Dartmouth, dated New York, 4th January 1775.

[Received 31ſt January, 1775.]

My Lord,

THE meaſures purſued, as well by the ſouthern as eaſtern provinces put the moderate and peaceable diſpoſition which prevails among the majority of the people of this province, daily to the trial. Enthuſiaſm is ever contagious, and when propagated by every artiſt becomes almoſt irrefiſtible. The aſſembly of this province, as I formerly informed your lordſhip, are to meet next Tueſday. If I find that there will not be a majority for prudent meaſures, I ſhall incline to prorogue them for a ſhort time, that the plan of the new parliament may be known here, before the aſſembly do any thing. On the other hand, there is room to fear, that if the aſſembly do not meet, an attempt will be made to convene a provincial congreſs, in imitation of our neighbours, which may be of worſe conſequence. I propoſe to take the advice of his Maſteſty's council to-morrow, upon the intereſting and important ſituation of affairs. When all depends upon the humour of the populace, one can only, my lord, form very uncertain conjectures of future meaſures. I can only ſay, with certainty, that there is ſtill a good majority of the moſt reſpectable people in this place, who promote peace, and diſcountenance violence,

Extrait

Extract of a Letter from the Deputy Governor of Pennsylvania to the Earl of Dartmouth. Dated Philadelphia, 31st December, 1774.

[Received 31st January, 1775.]

I Am to inform your lordship, that since my last, the assembly of this province have met, agreeable to their adjournment, and have, to my great surprize, unanimously approved the transactions of the late congress, and appointed deputies to attend another, proposed to be held at this city in May next, as you will perceive by the printed votes, which I inclose for your lordship's fuller information.

There seems to be too general a disposition every where to adhere strictly to the resolutions of the congress, and the committees for this city and the adjacent districts, have already taken upon them to regulate the disposition of all British goods imported since the first December.

They put up at public auction, in lots, and I am informed it is so managed that they are struck off to the owners at an advance of one per cent above their first costs and charges, which according to the commendation of the congress, is to be applied to the relief of the poor of Boston.

Extract of a Letter from Deputy Governor Eden, dated Annapolis, Maryland, 30th December 1774.

[Received 1st February, 1775.]

THIS province has been tolerable quiet since I arrived; before that they had in one or two instances been second (I think) in violent measures to Boston. The spirit of resistance against the tea act, any mode of internal taxation is as strong and universal here as ever. I firmly believe that they will undergo any hardships sooner than acknowledge a right in the British parliament in that particular, and will persevere in their non-importation and non-exportation experiments, in spite of every inconvenience that they must consequently be exposed to, and the total ruin of their trade.

January,

January 20.

Adjourned to the 23d.

January 23.

Mr. Alderman Hayley.

Mr. Alderman Hayley said he had a petition from the merchants of the city of London trading to North-America, to that honourable House, and desired leave to present the same, which being given, it was brought up and read, setting forth, That the petitioners are all essentially interested in the trade to North-America, either as exporters and importers, or as venders of British and foreign goods for exportation to that country; and that the petitioners have exported, or sold for exportation, to the British colonies in North-America, very large quantities of the manufacture of Great-Britain and Ireland, and in particular the staple articles of woollen, iron, and linen, also those of cotton, silk, leather, pewter, tin, copper, and brass, with almost every British manufacture; also large quantities of foreign linens and other articles imported into these kingdoms, from Flanders, Holland, Germany, the East Countries, Portugal, Spain, and Italy, which are generally received from those countries in return for British manufactures; and that the petitioners have likewise exported, or sold for exportation, great quantities of the various species of goods imported into this kingdom from the East-Indies, part of which receive additional manufacture in Great-Britain; and that the petitioners receive returns from North-America to this kingdom directly, viz. pig and bar iron, timber, staves, naval stores, tobacco, rice, indico, deer and other skins, beaver and furs, train oil, whale bone, bees wax, pot and pearl ashes, drugs, and dying woods, with some bullion, and also wheat flour, Indian corn and salted provisions, when, on account of scarcity in Great-Britain, those articles are permitted to be imported; and that the petitioners receive returns circuitously from Ireland (for flax seed, &c. exported from North-America) by bills of exchange on the merchants of this city trading to Ireland for the proceeds of linens, &c. imported into these kingdoms from the West Indies; in return for provisions, lumber and cattle, exported from North America, for the use and support of the West India islands, by bills of exchange on the West India merchants, for the proceeds of sugar, melasses, rum, cotton, coffee, or other produce, imported from those islands into these kingdoms; from Italy, Spain, Portugal, France, Flanders, Germany, Holland, and the East Countries, by bills of exchange or bullion in return for wheat flour, rice, Indian

Indian corn, fish, and lumber, exported from the British colonies in North-America, for the use of those countries ; and that the petitioners have great reason to believe, from the best informations they can obtain, that on the balance of this extensive commerce, there is now due from the colonies in North-America, to the said city only, 2,000,000*l*. sterling, and upwards ; and that, by the direct commerce with the colonies, and the circuitous trade thereon depending, some thousands of ships and vessels are employed, and many thousands of seamen are bred and maintained, thereby increasing the naval strength and power of Great-Britain ; and that, in the year 1765, there was a great stagnation of the commerce between Great-Britain and her colonies, in consequence of an act for granting and applying certain stamp-duties, and other duties, in the British colonies and plantations in America, by which the merchants trading to North-America, and the artificers employed in the various manufactures consumed in those countries, were subjected to many hardships ; and that, in the following year, the said act was repealed, under an express declaration of the legislature, that the continuance of the said act would be attended with many inconveniencies, and might be productive of consequences greatly detrimental to the commercial interests of these kingdoms ; upon which repeal, the trade of the British colonies immediately resumed its former flourishing state ; and that in the year 1767, an act passed, for granting certain duties in the British colonies and plantations in America, which imposed certain duties, to be paid in America, on tea, glass, red and white lead, painters colours, paper, paste-board, mill-board, and scale-board, when the commerce with the colonies was again interrupted ; and that in the year 1770, such parts of the said act as imposed duties on glass, red and white lead, painter's colours, paper, paste-board, mill-board, and scale-board, were repealed, when the trade to America soon revived, except in the article of tea, on which a duty was continued, to be demanded on its importation into America, whereby that branch of our commerce was nearly lost ; and that, in the year 1773, an act passed, to allow a drawback of the duties of customs on the importation of tea to his Majesty's colonies or plantations in America, and to empower the commissioners of the treasury to grant licences to the East India company, to export tea, duty free ; and by the operations of those and other laws, the minds of his Majesty's subjects in the British colonies have been greatly disquieted, a total stop is now put to the export trade

trade with the greatest and most important part of North America, the public revenue is threatened with a large and fatal diminution, the petitioners with grievous distress, and thousands of industrious artificers and manufacturers with utter ruin; under these alarming circumstances, the petitioners receive no small comfort, from a persuasion that the representatives of the people, newly delegated to the most important of all trusts, will take the whole of these weighty matters into their most serious consideration; and therefore praying the house, that they will enter into a full and immediate examination of that system of commercial policy, which was formerly adopted, and uniformly maintained, to the happiness and advantage of both countries, and will apply such healing remedies as can alone restore and establish the commerce between Great Britain and her colonies on a permanent foundation; and that the petitioners may be heard by themselves or agents, in support of the said petition.

Mr. Hayley. Mr *Hayley* moved that this petition be referred to the committee appointed to take into consideration the American papers, on the 26th.

Right Hon. Sir W. Meredith. The Right Hon. Sir *W. Meredith* said, that as the worthy alderman whose rank stands so high, and whose character it so honourably distinguished in the list of merchants, had expressed his wishes not only for a reconciliation, but for a *speedy* reconciliation with America, he submitted to his judgment, whether a *speedy* reconciliation was practicable or consistent with such a length of enquiry as his motion led to; that of all the evils American merchants now suffer, *suspense* is the greatest; that he trusted the committee already appointed, would make the removal of that suspense the first object of their consideration and their care; at *least* he hoped, that the hands of government might not be tied up, nor the powers of parliament restrained from giving that speedy relief which the pressure of affairs requires; that there is still some hope left, that the flames in America may be quenched, if proper and effectual means are *speedily* applied; but the task will every hour become more and more difficult, and if protracted to the long period, which the proposed enquiry may lead to, *impracticable*. Sir William added, that he should be very sorry to take upon himself the consequences of exposing the situations of private merchants to public view, especially at this juncture; but, if they *really* desired an enquiry into their affairs, he himself would give his time, his labour, and every possible assistance to it; but hoped, such an enquiry might not be made use of to defeat every good intention.

tion, and clog every salutary measure that might be proposed in the present committee : he should therefore recommend it to the house to appoint a separate committee for the consideration of the merchant's petition, and for that purpose move an *amendment*, that it be referred to a committee the 27th.

Mr. *Burke* was glad to hear the right honourable gentleman talk of a speedy reconciliation, and therefore must include that the price of his bargain with the minister when he went over to his party, was a speedy reconciliation ; yet at the same time he was sorry to see how knavish the noble lord had been, for instead of putting into his hand the reconciliatory measures, he had slipped into his hand a wand, which had now become one of the main pillars of administration. He proceeded to shew how materially the trade and commerce with America ought to be considered before any decisive steps were taken, and declared himself totally ignorant that the committee appointed for Thursday, (the 26th) were to take into consideration the *papers only* which lay on the table ; insisted that every information possible would add to the patch, and not to the delay of a reconciliation ; that as the noble lord (North) had denied them the opinions of persons on the spot, the committee could not receive more material information than from the merchants trading thither, who were greatly interested in the welfare of the colonies ; that there was not time sufficient to settle the American business, it was not the noble lord in fault in adjourning a month to eat mince pies and drink Christmas ale, when so material a question was depending ? He called the proposed committee, a *Coventry committee*, in allusion to a well known practice, by which a troublesome person is voted to be sent to Coventry, whereby, without turning him out of company, he is wholly excluded from all attention ; he may be ridiculed and laughed at, and cannot interfere in his own defence. He also called it a committee of oblivion, consigning every thing the merchants could alledge, to entire oblivion. He congratulated the minister on such a friend, (as Sir William) the merchants on such an able and powerful advocate ; the cabinet on such a counsellor ; the right honourable gentleman on such a patron ; and the King and parliament on the happiness of having so respectable a person in a situation reciprocally impart the desires and wishes of either party to each other. He prophesied the most salutary effects from such a happy a beginning. He compared the right honourable gentleman to Sampson, and the ministers and the friends of

Mr. *Burke*

the declaratory act and all the revenue acts, to the Philistines and supposed himself to be involved in the ruin, which must follow from pulling down the pillars which had supported the system of destructive policy and oppression, which the right honourable gentleman contended ought to have been resisted. In a word, he turned, twisted, metamorphosed, and represented every thing which he had advanced into so many ridiculous forms, that the house was kept in a continued roar of laughter.

Sir Gilbert Elliot.

Sir Gilbert Elliot replied to Mr. Burke, and ironically complimented him; but begged leave to differ from him as to the matter in debate. He observed that the committee appointed for Thursday the 26th, was intended to consider of the papers, in order to come to some speedy resolution, suited to the dignity of parliament, and the present situation of affairs in America; that the great variety of facts and mass of matter, which would come of course under consideration in the committee, to which the petition must be referred, would be a work of great and laborious toils, and that the views and objects of the enquiry, originating with the papers, and the petition being totally distinct in their nature, the determinations and execution arising from them must be different.

Right Hon. T. Townshend.

The Right Honourable T. Townshend contended, that it would be fairer and more manly, to reject the petition at once, than thus endeavour to defeat it; that the pretence of appointing a committee, was but a mere evasion, and that indeed, much had been already avowed by the honourable member who proposed the amendment, who pointed out so late in the month of June, before it could be supposed capable of determining or coming to any resolution.

Lord Clare.

Lord Clare was for not submitting to the Americans in the least, and ridiculed the opinion of those who said we had no right to tax America, yet ought not to exercise it.

Mr. Charles Fox.

Mr. Charles Fox, in favour of the Americans, repeated what he had said, and called on Lord North to know who was the man that advised the late acts, for it was he who had created the disturbances; it was he who had placed General Gage and his troops in the ridiculous situation in which they were, and it was he who ought to answer to his country for the mischief and expense that might ensue. He attacked the minister violently; pointed out his delays before Christmas, and his speed afterwards; said, the committee was meant no more than a mere farce, to delude the merchants, as he was certain nothing serious was intended.

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Lord *J. Cavendish* was for the petition being heard with the
 pers, and condemned Lord North for his behaviour in
 ing in estimates at the beginning of the session, before
 knew the expence which would be necessary; that it was
 ceit to the country gentlemen, who retired into the coun-
 satisfied with the estimate at first, and who never imagin-
 there would be any further sum required. That his lord-
 p was pressed, and ought to have laid before the house the
 pers before the holidays, as he was desired.

Lord *J. Ca-
vendish.*

Lord North defended the delay before the holidays chiefly on
 o grounds. First, for want of necessary information:
 only, because he understood from several persons, who
 tended to know it, that the address from the continental
 ngress to the King, was of that conciliatory nature, as to
 ke way for healing, lenient measures. As to the question
 ore the house, besides repeating the very great delays which
 matters contained in the petition would probably occasion,
 could not, with the least colour of propriety, be considered
 th the papers; one being simply an object of commerce, the
 er clearly a matter of policy. He said, his reason for not lay-
 the papers before the House sooner was, on account of
 at the Americans called a *congress*, but what he called an
 gal and reprehensible meeting, not being finished; and
 at he was informed a petition would be sent from them to
 throne, which would reconcile all matters in an amicable
 nner.

Lord North.

Sir George *McCartney* was severe against the petition, tho',
 said, he wished to be thought a friend to so respectable a
 ly as the petitioners: petitions were generally framed, he
 t, and brought about by some interested persons who had
 fice enough to seduce others to sign them.

Sir George
McCartney.

Captain *Luttrell*. I have listened with attention to this de-
 e, in hopes of receiving such instruction as might enable
 to judge which way of acting will be most conducive to
 welfare of America and this country, Sir, I am sorry to
 d such a variety of opinions prevail amongst us, as makes
 very difficult to determine what measures are likely to prove
 most salutary; but being neither willing to be led astray
 the oratory of one man, or the party zeal of another, I
 a wish to consider this petition on the day moved for,
 to pursue an opinion I have adopted from my own per-
 al knowledge of the Americans, their country, and their
 sts. Sir, that the colonies are inseparably united to the
 erial crown of this realm, I trust will never be denied by
 friends of either clime; but though it has been asserted,

Capt. Lut-
trell.

America can subsist without our commerce, I believe nobody will say, she can flourish without our protection. If we abandon her to her present miserable situation, she must sue to us, or to some other power for succour. Insecure in their lives and properties, the Americans must, ere long, experience the fatal consequences of being exposed to the depredations of marauders and lawless ruffians; they will soon be aloud for the re-establishment of those judicial authorities that have been imprudently overturned, and which are necessary, not only to the welfare, but to the very existence of the subject, among the rudest nations of the globe. Sir, I fear, indeed, the Americans at this hour cannot properly be styled the most civilized people in the known world; but an unfortunate fatality seems to have awaited that unhappy country for a series of years past. The late war was scarcely at an end, before you put a total stop to their trade with the Spanish West-Indies. 'Tis true, it was, strictly speaking, illicit, but it was very beneficial to them, for from thence they got their specie. Then, Sir, as if you meant to add insult to bad policy, no sooner had you deprived them of this means of assisting you, but you ungenerously imposed the right of taxation. Sir, if such a power is vested in the British parliament, I think you have mistaken the season to exercise it; but I never can consider that we, who are masters of us strangers to the resources of that country and its produce, are competent judges which of their commodities should best bear the burden of taxation. Sir, those that are acquainted with America know as well as I do, that from Rhode Island northwards they have no money; that the trade is generally carried on by barter, from the most opulent merchant to the necessitous husbandman. Sir, before your fleet and armies visited their coasts, you might almost as soon have raised the dead as 100l. in specie from any individual in the province of the Massachusetts Bay. The Sir, let us suppose the Americans to be the most tractable, the most loyal of all the King's subjects, with every disposition and inclination to pay obedience to the mandates of the mother country, where are their abilities to comply with your present demands? For my part, I know but one method by which you can possibly put America into a situation to assist this country; agree with her upon a fair and certain sum to be paid you annually; wait with patience the arrival of her merchandizes here, and the sale of them also; then, and not till then, their money will be forthcoming to pay you. Sir, such are my present sentiments with respect to the situation

of our colonies at this important crisis; but I will hope for better days, and better information; because, I wish to be convinced that neither America nor this country are in danger of being undone.

Lord Stanley, Mr. Adam, and Mr. Innis, also spoke for the amendment; Governor Johnstone, and Alderman Sawbridge against it. The house divided; for the amendment 7, against it 81.

Mr. Burke, in a very severe speech, which he pointed Mr. Burke.

chiefly at Lord North, condemned the behaviour of administration in this business; declaring that they had, for decency's sake, admitted the petition, yet had determined that it should never be heard. He said, he had a petition in his hand from the principal merchants in Bristol trading to America; yet, as he found there were two committees now, the one for hearing evidence, the other for burying petitions, he mainly saw his petition would share the fate of the other, and be buried in oblivion, though not in sure and certain hopes of a joyful resurrection; that his worthy colleague (Mr. Cruger) had likewise a petition of the merchants of Bristol to present, but it would go to the silent committee, and the three, he imagined, would be left to sleep together. He concluded with asking leave to present his petition, which being granted, he made the same motion as Alderman Haynes, for its being referred to the committee on the 26th, when Lord North objected to it, as it did not desire to be heard: he observed, it could not be of any information.

Mr. Burke replied, the noble lord had objected to one petition because it desired to be heard, to the other, because it did not desire to be heard.

Lord North said, That it was impossible for him to have seen the proceedings in America respecting the tea; that the duty had been quietly collected before; that the great quantity of tea in the warehouses of the East-India company, appeared by the report of the secret committee, made it necessary to do something for the benefit of the company; that it was to serve them that nine-pence in the pound weight drawback was allowed; that it was impossible for him to pretend the Americans would resist at being able to drink their tea at nine-pence in the pound cheaper.

In reply to this, Governor Johnstone rose, and said, he was not up merely to speak to a matter of fact; that he could not still and hear the noble lord plume himself on actions which, of all others, were most reprehensible in this train of political absurdities. That it was unbecoming the noble lord

lord to alledge this dangerous measure was adopted to serve the East-India company, when it was notorious the East-India company had requested the repeal of the three-pence per pound in America, and felt and knew the absurdity of giving a draw-back here, and laying a duty there: a perfect solicism in commerce and politics. That the East-India company offered their consent, that government should retain six-pence in the pound on the exportation, if the three-pence was remitted in America. That the noble lord had been requested and intreated, by the governor himself, in his place, to remove the cause of dispute, and was foretold the consequence of persevering in error. That the noble lord had shewn, by his conduct, he was neither financier or politician, or insatuated with those about him. That the East-India company presented the happiest opportunity which could have offered for removing with credit the cause of difference. The noble lord himself had confessed, in repealing the other articles in the original act, that the tea was as much an anti-commercial tax as any of those which were repealed on that principle; but the authority of parliament being disputed, he could not repeal all till that was fully acknowledged. Here, then, sprung the happiest occasion for doing right, without injuring the claims on either side. That the East-India company ask: their situation required the relief. It could not be alledged it was done at the instance of American discontent. But the golden bridge was refused; no contrivances were set on foot to introduce the tea into America. "I know, (said he) the various intrigues, solicitations and counter-solicitations, that were used to induce the chairman and deputy chairman of the company, to undertake this rash and foolish business. I protested against it, as contrary to the principles of their monopoly. Yet the power of ministers prevailed, and the noble lord would now cover all those faults, which are ready, from their consequences, to convulse the empire, and credit for them as having been done with the most innocent intentions to serve the East-India company when, on the contrary, it must appear to every man, that the glut of tea in their ware-houses was chiefly occasioned by the impolitic and anti-commercial imposition of three-pence per pound in America, which deprived them, and still deprives them of that great vent; and that the losses they have sustained, by sending teas on their own account to America is likewise chargeable to administration. If this is the manner in which they serve their friends, I desire still to be counted among the number of their enemies.

On the same question being put, whether the latter petition should be referred to the committee on the 26th, it passed the negative, 192 to 61.

The petition was from the wardens, and commonalty, of the society of merchants venturers of the city of Bristol, under their common seal; setting forth that a very beneficial and increasing trade to the British colonies in America has been carried on from the port of Bristol, highly to the advantage of the kingdom in general, and of the said city in particular; and that the exports from the said port to America consist of almost every species of British manufactures, besides East India goods, and other articles of commerce; and the returns made, not only in many valuable and useful commodities from thence, but also by a circuitous trade carried on with Ireland and most parts of Europe, to the great emolument of the merchant, and improvement of his Majesty's revenue; and that the merchants of the said port are also deeply engaged in the trade to the West India islands, which by the exchange of their produce with America, for provisions, lumber, and other stores, are thereby almost wholly maintained, and consequently become dependent upon North America for support; and that the trade to Africa, which is carried on from the said port to a very considerable extent, is also dependent on the flourishing state of the West India islands and America; and that these different branches of commerce give employment, not only to a very numerous body of artists and manufacturers, but also to a great number of ships, and many thousand seamen, by which means a very capital increase is made to the naval strength of Great Britain; and that the trade to America has of late years suffered very considerable checks, the first of which was after the passing of the act for levying stamp duties there, which subjected the merchants to many and great losses and inconveniencies, and threatened them with ruin, from which the repeal of that act in the following year removed their apprehensions, and restored the trade to its former flourishing state; and that, in this prosperous situation, the trade continued till the next year, when an act passed for levying duties on glass, paper, and other articles, in America, and it again received a considerable check; but the repeal of a great part of those duties revived it till the passing of certain acts of parliament, and other measures lately adopted, caused such a great uneasiness in the minds of the inhabitants of America, as to make the merchants apprehensive of the most alarming consequences, and which, if not speedily remedied, must involve them in utter ruin;

ruin; and the petitioners, as merchants, deeply interested in measures which will so materially affect the commerce of this kingdom, and not less concerned, as Englishmen, in every thing that relates to the general welfare, cannot look without emotion on the many thousands of miserable objects who, by the total stop put to the export trade to America will be discharged from their manufactures for want of employment, and must be reduced to great distress; and the petitioners look back with regret to those times in which their trade suffered no interruption; but they presume not to suggest any particular mode of relief to the house, in which wisdom they place the most unreserved confidence; they venture, however, to express their wishes, that the former system of commercial policy may be taken into consideration and that the destructive breaches made in their trade, by the alarms to which it has been for many years subject, may be closed, the peace of this great empire restored, and commerce once more fixed on the most solid and permanent foundation.

The other petition from Bristol, was entitled: A petition of the merchants, traders, manufacturers, and others, of the city of Bristol, whose names are thereunto subscribed setting forth, that the trade to America, not only from the port, but the whole kingdoms of Great Britain and Ireland, is of the utmost importance; and that the said city is highly interested in its welfare, as from thence very large quantities of every species of manufacture are exported, whereby employment is given to a great number of ships, seamen, and others; on which manufactures several thousand persons depend for their daily support, whose cause, from motives of humanity, exclusive of every advantage to themselves, it becomes their duty to submit to that tribunal, from whence alone redress can be expected; and that the trade of the West India islands, in all its extensive branches, essentially depends upon the continent of America, as many articles absolutely necessary for the existence of their inhabitants are only to be had from thence, and any stop to the commerce and well-being of North America must mutually affect the whole system, being mediately or immediately connected with each other; and that the petitioners already feel the unhappy effects of the stagnation of trade at present subsisting, in consequence of certain acts made by the legislature of Great Britain, from which cause all orders for goods are countermanded, and the merchants in danger of being deprived of their returns for those already sent; and that, from the circumstances

circumstances before recited, many thousands of industrious men are and will be deprived of subsistence, and merchants men of the largest property will be reduced to difficulties in their fortunes and credit heretofore unknown to them; and that, in the present crisis, so very alarming to the interest of the trading part of these kingdoms, and in its consequences to the landed interest, ever dependent on each other, they have every reason to fear a total loss of their trade, and every evil that will attend an event so much to be deprecated; and therefore praying the House, to take the premises speedily into their serious consideration, to adopt such measures as will not only relieve them from the difficulties which press them on the present exigency, but be a security against a return of those frequent interruptions to their trade they have for many years experienced, which have made destructive breaches in the commercial interests, and disturbed the concord of this great empire, so that the whole may be fixed on the same solid basis which formerly united the mother country and her colonies.

January 24.

Petition from the merchants of Glasgow on American affairs. Moved to be referred to the committee appointed to consider the American papers.

Motion amended to be referred to a committee on the 27th. Amendment carried 68 against 26.

January 25.

Petition from the merchants, &c. of Norwich on American affairs; referred to the committee on the 27th.

Petition from Dudley, on the same; referred to the committee.

Petition from the inhabitants of Birmingham; setting forth, that any relaxation in the execution of the laws respecting the colonies, will injure the commerce of Birmingham, and praying that the House will exert their endeavours to support the authority of the laws.

Mr. *Burke* moved to refer this petition to the committee Mr. *Burke* appointed to consider the American papers; observing that it was referred to them.

Lord *North* moved that it might be referred to a committee. Lord *North*. Agree on the 27th.

Sir *Thomas Frankland* desired the petitioners names might be inserted. Sir *Thomas Frankland*.

Lord *North*'s amendment agreed to.

Sir *George Savile* acquainted the house he had a petition to present from Mr. *Bollan*, Dr. *Franklin*, and Mr. *Lee*, praying that they might be referred to the committee.

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to be heard on the petition which they had presented to the King from the congress in America, which petition his Majesty had referred to the house, as they could explain and throw great light upon it.

The petition to the King not having been read, a short debate arose on a point of *order*, whether this petition could be received before the former had been read? The house being thin, it was postponed.

January 26.

Mr. Gascoigne.

Mr. Gascoigne moved, that the Speaker's chaplain be ordered to preach before the house on the 30th of January.

Lord Folklstone.

Lord Folklstone objected; thought the observance of the day in the usual manner, a reflection upon the revolution. When the custom first prevailed many doctrines were held destructive of the rights of Englishmen, but the revolution had entirely reprobated the former, and clearly ascertained the latter.

Mr. Gascoigne.

Mr. Gascoigne said, he moved it because an act of parliament required it.

Mr. Byng.

Mr. Byng said, the act of parliament did not order any sermon to be preached.

Sir G. Elliot.

Sir Gilbert Elliot contended, the question was not upon a matter of opinion, but whether the positive terms of an act of parliament should be obeyed.

Mr. Wilkes.

The Lord Mayor (*Mr. Wilkes*) said, he was for the observance of the day, but in a very different manner; that it should be celebrated as a festival, not kept as a fast: that the death of that enemy of our liberties, of that odious tyrant, who was, in the great Milton's words, *ipso Nerone minor*, was a sacrifice to the public justice of the country and ought to be celebrated as the most glorious deed ever done in this or any other country; without which we should at this hour have had no constitution left but have been the most abject slaves on the face of the earth.

Mr. Byng.

Mr. Byng reminded the house of the disagreeable situation they were in some time ago, having thanked a Speaker's chaplain (Noel) for his sermon on the 30th of January and being afterwards obliged to expunge those thanks.

The question was put; ayes 112, noes 83.

Mr. Hayley.

Mr. Alderman Hayley presented a second petition from the merchants of London, setting forth, "that the petitioners have ever conceived, that the connection between Great Britain and America originally was, and ought to be, of a commercial kind; and that the benefits derived therefrom to the mother

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other country are of the same nature ; and observing the constant aversion which the British legislature had for more than a century given to those valuable objects they have been ought to admire the regulations by which that connection had been preserved, and those benefits secured, as the most perfect institution which human wisdom could have framed for those salutary purposes ; presuming therefore on this opinion, and supported by this observation, the petitioners represent to the house, that the fundamental policy of those laws of which they complain, and the propriety of enforcing, relaxing, or amending, the same, are questions inseparably united with the commerce between Great Britain and America ; and consequently that the consideration of the one cannot be entered on, without a full discussion of the other ; and that the petitioners observe, by the votes, that a committee hath been appointed, to take into their consideration certain papers presented to the House by Lord North on Thursday the 19th instant ; and, by the titles and dates of the said papers, and in particular No. 148 and 149 of the same, the petitioners are warranted in presuming that the said papers contain matters respecting the present situation of America, and essentially concerning the mutual interests of the petitioners and that country ; and that, under all these circumstances, the petitioners find reason sincerely to lament that the House has thought fit to refer the consideration of their said petition to any other committee than that to which the said papers had previously been referred, and the petitioners conceive that, by the resolution to which the House hath come, respecting the reference of their said petition, they are absolutely precluded from the benefit of such a hearing, in support of their said petition, as can alone procure them that relief, which the importance and present deplorable state of their trade requires ; and therefore praying the House to take the premises into their immediate consideration, and to direct that the petitioners may be heard, by themselves or their agents, in support of their said former petition : and that no resolution respecting America may be taken by the house, or any committee thereof, until the petitioners shall have been fully heard in support of their said petition."

The regular method of bringing this petition before the committee, to whom the American papers were referred, was to discharge the order which had referred the merchants' petition to the committee of the 27th, or, as it was humourously called by Mr. *Burke*, the *Coventry committee*.

Mr. *Hayley* therefore moved, that the said order be discharged, Mr. *Hayley*.

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He resented the indignity and mockery put on a great body of merchants, in referring their business, which was the business of the nation, and of the empire indeed, to a separate committee, whose object was pretended to be no more than to form commercial regulations, which no petition had required or asked; and which committee had not a pretended concern in the great points of commercial policy, the ill conduct of which threatened a most dangerous civil war. He expressed his fears, that the rejection of the informations of the trading interest, and the precipitate hurry of resolutions in an uninformed committee, or informed only so far as ministry chose, must drive on a civil war with America.

Mr. Hotham.

Mr. Hotham supported Mr. Haley, on the principles of law, justice, reason, and expediency.

Mr. Stanley.

The Right Hon. *Hans Stanley* chose to persuade himself such was his phrase, that the interested and factious people had induced the merchants to sign their petitions; he acknowledged, that a stoppage to trade would be occasioned, that the stock-holder and landed interest would be greatly affected by these disputes; but, said, what of that? for—the American trade was destructive, unless the supremacy of parliament, and the rights of sovereignty, were vigorously asserted. If, in this attempt, our commerce should be suspended, our funds should sustain a shock, and the landed property should experience a diminution, yet all these evils must be patiently submitted to, and merchants must forego their interest, for the sake of permanent advantages which may be expected when the Americans shall be subdued, if a plan of subduing them be found expedient.

Mr. Hayley.

Mr. Hayley, to explain, said a committee of three capital merchants attended the signing of the petition, to prevent any considerable or improper people putting their names to it. Affirmed that no undue means were used to procure persons to sign it: on the contrary, the greatest caution was taken; many more would have signed it, but were prevented, either not being known to be concerned in the American trade, or deemed too *inconsiderable*.

Rt. H. T. Townshend.

The Right Hon. *T. Townshend* replied to Mr. Stanley with irony, accepting his acknowledgment of the distress that must fall on the commerce, the land-holder, and the stockholder; but the *place holder*, said Mr. Townshend, will batten in the sunshine of his country's ruin; no distress of the public can affect him; he may talk at ease of the patience with which others are to endure ruin. The contractors of every

and may pant for a civil war; but the event of violent counsels must shake to its very foundations the public credit, on which every thing depends.

Mr. *Lewis* said he had a speech of an honourable gentleman (meaning Mr. Burke) in his hand; wherein the eloquent declaimer asserted, that during nine long years we had been lashed round the circle of miserable argumentation, without coming to any conclusion on the subject. The American merchants he thought came too late; that they ought not to have been silent so long; and that having so long confided in parliament, they ought to continue that confidence. He spoke of the relation of parent and child that subsisted between the countries; supposed ingratitude in a child, and wished for its chastisement.

The Right Hon. *C. Jenkinson* said, parliament had a right to regulate the internal concerns of America. He instanced the act for regulating their paper currency; and from their submission to that, he concluded they ought to submit to every act of English legislature. He entertained no doubt that some resolutions for preserving the supremacy would answer every end of the merchant's petition, and restore trade.

Mr. *Burke* followed Mr. Jenkinson. He treated the talk of paper currency with very little respect, and said Mr. Jenkinson's discourse had not even the most remote tendency to prove this, or any other point. For what argument (said he) could be drawn from the instance of an act to prevent paper currencies, to prove that the merchants of London ought to be heard in the American committee? The most depreciated paper currency ever issued by Rhode island, in its worst times, was not more different from good money than the talk from sound argument. The other gentleman (Mr. *Lewis*) was sitting member last parliament. I thought he had a good right to his seat. I lamented that the public had for seven years been deprived of the benefit of his talents; I suppose this had been the same parliament whose acts he had censured, and of whose injustice he was the protomartyr, and that he had till the last session been silent, and that his motion had persuaded him to defraud the house of the benefit of his talents to the last hour, would that septennial silence should argue that he ought not to be heard at the end of the seven years, when he at last chose to interfere in the debates? I thought we would have heard him patiently and calmly: nay, if his argument had required an answer, we would have answered him. He then turned to Sir Gilbert Elliot, who in the

the former debate had argued, that the house was already perfectly acquainted in *general* with the trade and its importance, and admitted in its full extent whatever the merchants could alledge. He said that this gentleman was rather too ready to take the measure of mankind from himself; and because he was so very knowing, did not sufficiently condescend to the ignorance of others. But whatever the knowledge of any gentleman, or of any individual in the House might be, there was a great difference between knowing and feeling. That the honourable gentleman could easily abstract and generalize his ideas even to the *genus generalissimum*; but the nature of mankind was such, that general observations affected their minds in a slight and indistinct manner, when the detail of particulars, and the actual substance of things, made a most forcible impression. He illustrated this by a story of a learned prince, who was of the same part of the island to which we owe the honourable gentleman; James the first, who, as Osborn tells the story, having ordered a present of 20,000*l.* for one of his favourites; his treasurer, a wary and prudent minister, well read in human nature, and knowing how little the general expression of things operates, and that the words 20,000 pounds were as easily pronounced as 20,000 farthings, contrived to place the whole sum in a vast heap before the King's eyes as he passed to his levee, in good Jacobus's; when the King was taken out of his *generals*, and saw the money itself spread out before his eyes, he was frightened at what he was about, and threw himself in great agony on the mass of gold, and scrambling up a handful or two, there, said he, "Ge'en that, that's enough." Now, said he, if we are to be generous in sacrificing our trade to our dignity, let us know what the value of the sacrifice is that we make; let us not be generous in the dark; true generosity is to give, and see, and know whatever we give. Let us then see this thing, this trade, we are to give up for our dignity. Your dignity may be worth it *all*, but let us be informed by the merchants what *all* really is. To be generous, without knowing what we give, is not liberality but negligence; and fearlessness arising from ignorance, is not courage but insensibility. He said that the reason given by those who sent the petitions to the *Coventry committee*, for not referring them to that on American papers, was of a most extraordinary and unheard of nature; it was, that the resolutions of that committee were to be solely on the grounds of policy, and that the commercial examination would delay the measures necessary

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For the coercion of America. This was to anticipate and predetermine the future proceedings in a committee, as a reason for keeping information from it; how did they know what measures would be pursued there, and on what principles? Was there any instruction to the committee so to confine itself? or was it that the ministry had already not only solved what that committee was to do, but reckoned upon it so much as a certainty, and as a matter so justifiable, that they did not scruple to avow it, and to make it a ground of argument for what the House ought, or ought not to have brought before its committee. This proceeding he thought no less alarming than unprecedented. That if they meant hostility, the reason they gave for not hearing was the strongest for it. But as their war ever must be dependent upon their finances, and their finances must depend upon their commerce, the true state of that commerce was necessary to be known, especially as colonies and commerce are inseparably connected.

He then lamented the miseries of a civil war, incurred by the precipitate ignorance of administration. Trade destroyed—the revenue impoverished—the poor starving—manufactures stagnating—the poor-rate running into the land-tax, and both devouring the estates. He said whenever the black and bitter day of reckoning should come, he would convict them of such a chain of blunders and neglects, as would bring vengeance on their heads. He concluded with drawing the picture of the archer who was going to draw his bow against his adversary, but saw that in the enemy's arms was enfolded his own child. Let your commerce (said he) come before you, and see whether it be your child that America has in her arms; see of what value that child is, and examine whether you ought to shoot; and if you must, to shoot so as to avoid wounding what is dearest to you in the world. Without examining your trade you cannot do this.

Mr. Charles Fox on the same side. He arraigned in the severest terms, the acts of the last parliament, as framed on false information, were conceived in weakness and ignorance, and executed with negligence. We were promised that on the very appearance of troops, all was to be tranquility at Boston, yet so far from subduing the spirit of that people, they were neglected of those who sent them reduced to a most shameful situation, and dishonourably intrenched within the lines of circumvallation, which a necessary precaution for their own safety obliged them to form. That the contrary effect of what the minister had promised, was foretold; but that the minister, forsooth, in his usual negligence avowed, that when he

he was pursuing a measure of the last degree of importance, thought it treasonable in him, though the strength of the words he afterwards disavowed, yet he thought it would be blameable in him so much as to enquire what the effects were to be of his measures. He believed it was the first time any minister dared to avow that he thought it his duty not to enquire into the effects of his measures; but it was suitable to the whole of the noble lord's conduct, who had no system or plan of conduct, no knowledge of business; that he had often declared his unsuitness for his station, and he agreed that his conduct justified his declaration; and that the country was incensed, and on the point of being involved in a civil war by his incapacity. He pledged himself to join Mr. Burke, in pursuing him, and bringing him to answer the mischiefs occasioned by his insufficiency, his inconsistency, and his incapacity; that he said not this from resentment, but from a view of the destructive proceedings of a bad minister.

Col. Barré.

Colonel Barré began with a short and spirited history of the late parliament, who, (said he) began their political life with a violation of the sacred right of election in the case of Middlesex; they had died in the act of popery, when they established the Roman catholic religion in Canada; and they had left a rebellion in America, as a legacy. He asserted, in favour of the Americans, and in contradiction to Lord George Germaine, that the Americans did draw a line, a just and reasonable line, which had been a line of peace, and would be so again, if we had sense enough to return to it. The Americans, he insisted on it, required no more; and they had too much justice on their side, to be satisfied with less. He flatly denied that they had objected to the declaratory act; for proof he referred to Mr. Dickenson's pamphlet, entitled *a new essay*, &c. on which he passed the strongest eulogium: he concluded with a story which his friend Mr. Burke's archer had, he said, put him in mind of; nothing could be more opposite. There was another story, he said, of the famous W. Tell, who being ordered to shoot an apple off his child's head, effectually did it, and the tyrant who had given the inhuman command, seeing him draw out another arrow, said to him, "What another arrow? what further can you do?" *Oui, dit-il, il y a une autre; et c'est pour toi, tyran, destinée.*"

Mr. Solicitor
General.

Mr. Solicitor General endeavoured to take the question in several points of view; but the main scope of his argument,

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went upon a proposition of quieting the merchants, by passing a law, obliging the several provinces in America to pay the respective debts due by the inhabitants of the said provinces, to the merchants of this country.

Lord North said the question had been so ably and fully Lord North. discussed, it would be presumption in him to rise at such a late hour of the night, to trespass on the indulgence of the House; he should therefore decline it: but he thought it nevertheless incumbent on him, to say a word in answer to some insinuations, and some general charges made against him by two honourable gentlemen [Mess. Burke and Fox.] He observed, that those gentlemen constantly made a point, not even of attacking, but threatening him. As to general charges, he could only answer them in general terms; and when that black, bitter, trying day should come, which had been prophesied by one of those gentlemen, and that he should bring any particular charge against him, he trusted he should be able to give it a particular answer. As to the other, who found so many causes of censure, and who disclaimed all resentment, he was sure, though he now discovered in him so much incapacity and negligence, there was a time, when he approved of at least some part of his conduct.

Lord George Germaine began with a justification of the last Lord George Germaine. parliament at large; and insisted that in their proceedings towards America, they had gone upon sufficient information. He made a strong declamation on dignity. His lordship mentioned the declaratory act, professing not to address himself to those who denied our right to tax America, but to those who favoured the declaratory act; they, his lordship insisted, were bound to support the idea of subduing America; the confession of the right, implied the propriety and necessity of exercising it. His lordship professed, that if the Americans humbly applied for the repeal of the tea duty, he would grant it.

Mr. Fox, in reply to Lord North. "That my private re- Mr. Fox. sentments have not affected my public conduct, will be readily believed, when I might have long since justly charged him with the most unexampled treachery and falshood." Here Mr. Fox was called to order, and the house grew clamorous. He sat down twice or thrice, and on rising each time, repeated the same words; but at length, assuring the House, he would abstain from every thing personal, he was permitted to proceed. He then repeated his former charges of negligence, incapacity, and inconsistency; and added, that though he at one time approved of part of his conduct, he never ap-
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proved of it all, of which a stronger proof could not be given, than that he differed from him. He charged all the present disputes with America, to his negligence and incapacity; and instanced his inconsistency in the case of the Middlesex election. It was true, he said, the noble lord had often confessed his incapacity, and from a consciousness of it, pretended a willingness to resign; but the event proved that whatever his consciousness might have been, his love of the emoluments of office had compleatly conquered it.

Lord North. Lord North replied, that the high post he now occupied was not of his own seeking, but was submitted to, because he thought it his duty to obey the commands laid on him; that whatever interpretation might be put by the honourable gentleman, he well knew, that it was no desire of his to retain his present situation: that that gentleman was no stranger to how he had been tried on many critical occasions, particularly when we were threatened with a Spanish war, in the affairs of the East India company, &c.

Mr. Burke. Mr. Burke rose to explain, but the clamour and call to order were so great that he was obliged to sit down unheard; to use his own words, in a "Torrent of candour, and a storm of moderation."

The house divided on Mr. Hayley's motion; ayes 89, noes 250.

Sir George Savile.

Sir George Savile offered to present a petition from William Bolla, Benjamin Franklin, and Arthur Lee, Esqrs. stating, that they were authorized by the American continental congress, to present the petition of the congress to the King, which petition his Majesty had referred to the House, and desiring to be heard in support of that petition at the bar of the house.

The question was put, whether the petition should be brought up? * The house divided, ayes 68, noes 218.

Petitions from the merchants of Liverpool; manufacturers of Manchester; traders of Wolverhampton, &c. relating to the trade of North America, were presented, and all referred to the same committee that the petitions from London, &c. were referred to.

January 27.

The committee appointed to take the petitions of the merchants into consideration, sat. The committee were

* There was a debate upon this question, but it was principally upon order. See page 117: the American papers not having been read.

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informed that Mr. Thomas Wooldridge from the committee of London merchants, who had petitioned, attended. He was called to the bar; and addressed the House in the following words: "I am directed by the committee of merchants, traders, and others, of the city of London, concerned in the commerce of America, to represent to this honourable committee, that merchants revealing at this bar the state of their affairs is a measure which all would wish to avoid, unless upon such great occasions as the present, where the public weal is evidently at stake, when their duty as good subjects requires it of them: but when the mode of examination is such as totally precludes them from answering the great public object, which in their opinion is clearly the case at present; they beg leave humbly to signify, that they wave appearing before the committee which has been appointed; and that the merchants are not under any apprehensions respecting their American debts, unless the means of remittance should be cut off by measures that may be adopted in Great Britain."

The committee broke up. The Speaker resumed the chair. American papers read.

Another petition from Birmingham was presented, of the same nature with those from London, Bristol, &c. setting forth the hardships of the petitioners, if the trade to North America is not restored. This petition was a counter-petition to the other from the same place, and said to be signed by the persons really interested in the trade to North America.

Adjourned to January 31.

January 31.

Mr. *Burke* moved, that it be an instruction to the committee of the whole House, to whom it is referred to consider of the petition of the merchants, traders, and others, of the city of London, concerned in the commerce of North America, that they do *enquire* into the manner of procuring and signing the petition of the inhabitants of the town and neighbourhood of Birmingham, which was presented to the House upon the 25th; and also the petition of sundry merchants, factors, and manufacturers, of Birmingham, in the county of Warwick, on the behalf of themselves and others in that neighbourhood, who are interested in the trade from thence to North America, which was presented to the House upon the 27th; and how far the persons severally signing the same are concerned in the trade to North America.

Mr. *Burke*,

This brought on a debate respecting the manner in which the petitions had been signed, and by whom. That the first petition from Birmingham was signed by persons not concerned in the trade to North America and therefore ought not to have the least weight with parliament; that the second petition from Birmingham being signed by the persons really interested, and merited a serious consideration.

Sir *W. Bagot*.

Sir *W. Bagot* opposed the motion.

Mr. *Burke*.

Mr. *Burke* replied; adding, that the persons who signed the first petition were not in the least concerned in the trade to North America, and that they chiefly consisted of shopkeepers; he then read a paper, containing an account of the manner in which the petition was procured: viz. On the 11th Jan. 1775, a meeting of the merchants, traders, &c. of Birmingham, was held, to consider of proper methods to be pursued on account of the alarming situation of their trade, when it was unanimously resolved to wait and see what the North American merchants in London did, and to be guided by them.

On the 17th another meeting was held, when it was likewise resolved to petition parliament. At this meeting a Mr. Bolton said, he did not think petitioning would have any good effect; but he had a friend next him [Dr. Roebuck] who knew more of the matter.

Dr. Roebuck after apologising for his neither being a trader nor inhabitant, desired them by no means to petition parliament; for, by a conversation he had lately with a lord of the treasury, he was acquainted that a petition to Lord North would be much better, he being the only person that could give them redress; and that, to his certain knowledge, there was at that time in the house of commons, four members to one determined to execute the laws in force against America.

In this manner did Dr. Roebuck endeavour to hinder the people from petitioning parliament; but, notwithstanding his endeavours, a committee was appointed, and a petition prepared, which, after a few amendments, met with almost universal approbation, and public notice, by advertisement, was repeatedly given, that it lay at the Dolphin in Birmingham to be signed.

In the interim the petition in question was procured by Dr. Roebuck, and carried about from house to house clandestinely, without the least notice, to be signed.

Mr.

Mr. *Rice* objected to the motion, because the petition in question, according to his opinion, contained more good sense and sound policy than all the other petitions presented put together.

Mr. *Burke* answered Mr. *Rice*, desiring to know "whether it was sound policy for merchants to wish to go to war with the people with whom they dealt?"

Sir *John Wrottesly* said, he should agree to the motion, as he was certain it would redound to the petitioners honour; at the same time begged leave to remind the House, that the trade of the neighbourhood of Birmingham was far more extensive than that of Birmingham itself. He asked Mr. *Burke*, whether he was ready to discuss the Bristol petition? Mr. *Burke* replied, yes.

Mr. *Fox* observed, that if any gentlemen suggested, that the Bristol petition was surreptitiously obtained, and offered to prove it, the House ought to hear it; but that it came with an ill grace from ministry, to say, that the motives and manner of obtaining petitions, was not to be considered, when their only answer to the petitions disapproving their conduct, was, that they were surreptitiously obtained; that indeed there was one difference between the minister's imputation and Mr. *Burke*'s charge; their's was a mere voluntary suggestion of their own; Mr. *Burke* offered proof of his.

Right Honourable *T. Townshend* was for the motion, saying, that if the allegations set forth by the honourable gentleman [Mr. *Burke*] were true, the persons guilty of procuring such a petition ought to be looked on as criminals.

Sir *Gilbert Elliot* contended, that the persons who petitioned had not been guilty of the least fraud, for they styled themselves only the inhabitants of the town and neighbourhood of Birmingham; and certainly no gentleman would deny but the petitioners were inhabitants, if not traders.

Mr. *Burke* admitted they might be inhabitants, but contended that the counter petition, delivered on the 27th, of "the principal merchants, traders, manufacturers, and factors of Birmingham," ought to have a preference to that of the inhabitants only.*

Sir

* The thanks of the merchants, traders, and manufacturers of Birmingham, concerned in the trade to America, having been given to Mr. *Burke* for his conduct in this business, the following is a copy of the letter of thanks.

To

Sir E. Ashley.

Sir *Edward Ashley* observed, that had there not been a counter petition, he should have given a negative to the motion, but as the counter petition, in his opinion, carried so much more importance with it, he should give his hearty affirmative to the motion.

The House divided, for the motion 37; against it 87.

TO EDMUND BURKE, Esq.

S I R,

Birmingham, Feb. 8, 1775.

The merchants and manufacturers who have had a principal share of the American trade from this town and neighbourhood, beg your acceptance, through our hands, of their warmest acknowledgments for your liberal support of our petition to the honourable House of commons, wherein are stated the evils we already feel, and the greater we have yet to apprehend from a continued stagnation of so important a branch of our commerce as that with North America.

At the same time we also unite in expressing our particular thanks for the motion you was pleased to make for an enquiry into the manner of both the late petitions from the town of Birmingham having been obtained, an enquiry which could scarcely have failed to give some useful intelligence, and to have fully justified our application to parliament at so critical a juncture.

We cannot wonder, Sir, that defamation should have made its appearance on such an occasion as this, which is the notorious evidence of a weak cause, and whose mischiefs we are persuaded will be as transient as its efforts have been intemperate.

We only take the liberty, therefore, of adding our sincere wishes, that you may long fill your distinguished place in the British Senate, and that your persevering endeavours to preserve the rights of the subject, to maintain the prosperity of our commerce, and to secure the tranquility of this extensive empire, may meet with a success adequate to the patriotic zeal with which they are animated. Being with the greatest regard

S I R,

Your much obliged and most obedient servants,

S. FRETH,	J. KETTLE,	J. STARTIN,
J. TWIGG,	J. RICHARDS,	G. RUSSELL
W. RUSSELL,	J. SMITH,	J. WELCH,
R. RABONE,	W. WELCH,	J. BINGHAM,
J. WILKINSON,	J. RICKARDS,	J. WALFORD,

February 1.

The House was called over.

Mr. *Sawbridge* moved for leave to bring in a bill to shorten the duration of parliaments. He said he declined entering into a detailed view of the question, or minutely taking it in the several striking lights in which it presented itself. He adverted to the leading characteristics of some former parliaments: the tyrant Henry the Eighth's were *servile*; that of 1641 a *violent* assembly; the long one of Charles the Second was aptly distinguished by the name of the *pensioned* parliament; but all those several qualities of servility, violence, and prostitution, were at once united in the last. He could not, he said, as yet venture to pronounce on the complexion of the present, but he was afraid it would prove itself the true offspring of its imputed political father [the minister]; if so, he had very little good, for his own part, to expect from it.

Mr. Oliver seconded the motion, with a short speech.

The Lord Mayor [Mr. *Wilkes*] said, The question now before the House has been so frequently and so ably spoken to by the honourable gentleman who made the motion, and is in general so perfectly understood, that I shall trouble you with little more on this occasion than to return him my hearty thanks for his truly patriotic endeavours and noble perseverance in a business of this importance. Frequent parliaments, Sir, are the ancient constitution of England, and the right of the people to them arises from the nature of all delegated power. If a representative acts contrary to the duty of the trust reposed in him at the very first session of a parliament, is it fit that his constituents should be compelled to wait till the end of a tedious period of seven years, before they are to have an opportunity of depriving him of a power he has already abused? I think the case I have mentioned, Sir, actually exists as to this very parliament. Gentlemen have talked of the late parliament in the terms of reproach and indignation which so profligate an assembly merited. But I fear, Sir, the present parliament are treading in the same steps which led their predecessors to the utter hatred of the nation. The people without doors, especially in the capital, make no scruple to affirm, that the majority of this House have, even thus early, in one great instance, acted contrary to the plain duty which they owe to their country, and to the sacred trust reposed in them. I allude, Sir, to the contempt shewn of the petition of so respectable a body as the merchants trading to North America; and this they have done in defiance of all the great principles of the constitution. I am sorry to observe that the

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fear is become very general, that from this early abuse of their trust, the delegated powers the same men have so lately received, for the security and preservation of our rights, will be employed through a course of the next seven years, for our destruction, and that of our fellow subjects in America, and the ruin of our common liberty, notwithstanding the present excellent motion of the honourable gentleman. A new argument, Sir, in favour of the motion in your hand, seems at this time to arise from the nature of many of the petitions for undue elections, which have been presented to us this session. They complain chiefly of bribery and corruption. Short parliaments, Sir, if they did not totally eradicate this most pernicious practice, would certainly greatly diminish the evil, nor at the return of frequent appeals to the people, would the public money, in a minister's hands, be always adequate to counteract the wishes of the nation; nor the floodgates of the treasury being opened, in such a case, afford torrents copious enough to carry away all sense of duty to the constitution, or love of our country.

I will only trouble you, Sir, with one more short observation. I look upon this motion as a kind of test, which must come home to our consciences. It cannot fail of meeting, in this House, the support of the true friends of the constitution, of all who mean to act honestly, as well as the opposition of the venal and interested, of those who have already forgotten their duty to their constituents, and of those who think lightly of all such ties and obligations. Those who have merited well of their constituents will always rejoice at the opportunity of applying for the most frequent proofs of regard and trust, will desire and solicit this appeal; who have acted contrary to the clear dictates of their duty, will dread every such occasion, and tremble at the very idea of the spirited indignation with which they would be rejected.

Mr. Moyscy. Mr. Moyscy entered into a clear and substantial investigation of the question, took notice of the efforts made by the great constitutional Whigs immediately after the Revolution, to obtain the triennial law; of the great benefits derived from that law, during a course of upwards of twenty years, and the great political motives which produced its repeal, in the first year of George the First. He said those motives originated in temporary expediency; that the measure was consented to on the principle of immediate preservation and state-necessity; and as those causes no longer subsisted, every colour of reason and argument for retaining septennial parliaments must fall with the motives which gave birth to them.

Serjeant

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Serjeant *Glynn* contended that the present mode of convening parliaments was repugnant to the great principles of the constitution, and would in the end, he predicted, be destructive of the constitution itself.

There was no reply.

The House divided ; for the motion 104, against it 195.

February 2.

A petition of the planters of his Majesty's sugar colonies residing in Great-Britain, and of the merchants of London trading to the said colonies, was presented to the House, and read; setting forth, that the petitioners are exceedingly alarmed at an agreement and association entered into, by the congress held at Philadelphia, in North America, on the 5th day of September, 1774, whereby the members thereof agreed and associated, for themselves and the inhabitants of the several provinces lying between Nova Scotia and Georgia, that from and after the first day of September, 1774, they would not import into British America any Melasses, Syrups, Paneeles, Coffee, or Piemento, from the British plantations ; and that after the 10th day of September, 1775, if the acts and the parts of the acts of the British parliament therein mentioned, are not repealed, they would not directly, or indirectly, export any merchandize or commodity whatsoever to the West Indies ; and representing to the House that the British property in the West India islands amounts to upwards of thirty millions sterling ; and that a further property of many millions is employed in the commerce created by the said islands, a commerce comprehending Africa, the East Indies and Europe ; and that the whole profits and produce of those capitals ultimately center in Great Britain, and add to the national wealth, while the navigation necessary to all its branches, establishes a strength which wealth can neither purchase nor balance ; and that the sugar plantations in the West Indies are subject to a greater variety of contingencies than many other species of property, from their necessary dependence on external support ; and that therefore, should any interruption happen in the general system of their commerce, the great national stock thus vested and employed must become unprofitable and precarious ; and that the profits arising from the present state of the said islands, and that are likely to arise from their future improvement, in a great measure depend on a free and reciprocal intercourse between them and the several provinces of North America, from whence they are furnished with provisions and other supplies absolutely necessary for their support and the maintenance of their

their plantations ; and that the scarcity and high price, in Great Britain and other parts of Europe, of those articles of indispensable necessity, which they now derive from the middle colonies of America, and the inadequate population in some parts of that continent, with the distance, danger and uncertainty, of the navigation from others, forbid the petitioners to hope for a supply in any degree proportionate to their wants ; and that, if the first part of the said agreement and association for a non-importation hath taken place, and shall be continued, the same will be highly detrimental to the sugar colonies ; and that, if the second part of the said agreement and association for a non-exportation shall be carried into execution, which the petitioners do firmly believe will happen, unless the harmony that subsisted a few years ago between this kingdom and the provinces of America, to the infinite advantage of both, be restored, the islands, which are supplied with most of their subsistence from thence, will be reduced to the utmost distress, and the trade between all the islands and this kingdom will of course be obstructed, to the diminution of the public revenue, to the extreme injury of a great number of planters, and to the great prejudice of the merchants, not only by the said obstruction, but also by the delay of payment of the principal and interest of an immense debt due from the former to the latter ; and therefore praying the House, to take into their most serious consideration that great political system of the colonies heretofore so very beneficial to the mother country and her dependencies, and adopt such measures as to them shall seem meet, to prevent the evils with which the petitioners are threatened, and to preserve the intercourse between the West India islands and the northern colonies, to the general harmony and lasting benefit of the whole British empire ; and that they may be heard, by themselves, their agents, or counsel, in support of their petition.

Ordered, That the said petition be referred to the consideration of the committee of the whole House, to whom the petition of the merchants, traders, and others, of the city of London, concerned in the commerce of North America, is referred ;

The House resolved itself into a committee.

Lord North.

Lord North recapitulated the information contained in the papers ; discriminated the tempers of the colonies ; pointed out those where moderation prevailed ; and where violence was concealed under the appearance of duty and submission ; and named such as he thought were in

in a state of actual rebellion. He spoke of arts which he asserted were employed on both sides the Atlantic to raise this seditious spirit. He drew a comparison between the burdens borne by the people of Great Britain and those of America. The annual taxes paid by the inhabitants of Great Britain, he said, amounted to ten millions sterling, exclusive of the expences of collection, and the number of inhabitants of Great Britain he supposed to be eight millions, therefore every inhabitant pays at least twenty-five shillings annually. The total taxes of the continent of America amount to no more than seventy-five thousand pounds; the number of inhabitants of America are three millions, therefore an inhabitant of America pays no more than sixpence annually.* He then proceeded to lay down the legislative supremacy of parliament; stated the measures adopted by America to resist it, and the almost universal confederacy of the colonies, in that resistance. Here, he said, he laid his foot on the great barrier, which separated, and for the present disunited both countries; and on this ground alone of resistance and denial, he raised every argument leading to the motion he intended to make; which he said would be for an address to the King and for a conference with the lords that it might be the joint address of both Houses. He hinted, the measures intended to be pursued, in case the King should agree to comply with their address, were, to send more force; to bring in a temporary act to put a stop to all the foreign trade of New England, particularly to their fishery on the banks of Newfoundland, till they returned to their duty; at the same time declaring that whenever they should acknowledge the supreme authority of the British legislature, pay obedience to the laws of this realm, and make a due submission to the King, their real grievances, upon their making proper application, should be redressed. His lordship observed, that the other colonies were not so culpable, and he hoped might yet be brought to a sense of their duty to the mother country by more lenient measures. The question, he said, lay within a very narrow compass: it was simply whether we should abandon this claim, and at once give up every advantage arising both from the sovereignty and the commerce, or to ensure both? Or whether we should resort to the measures indispensably necessary on such an occasion? He concluded

* This calculation was published at Birmingham, about the beginning of January, 1774.

cluded with moving, That it is the opinion of this committee, that an humble address be presented to his Majesty, to return his Majesty our most humble thanks, for having been graciously pleased to communicate to this House, the several papers relating to the present state of the British colonies in America, which, by his Majesty's commands, have been laid before this House, and from which, after taking them into our most serious consideration, we find that a part of his Majesty's subjects in the province of the Massachuset's Bay have proceeded so far as to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province; and we see with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by his Majesty's subjects, in several of the other colonies, to the injury and oppression of many of their innocent fellow-subjects resident within the kingdom of Great Britain and the rest of his Majesty's dominions; this conduct on their part appears to us the more inexcusable when we consider with how much temper his Majesty and the two houses of parliament have acted, in support of the laws and constitution of Great Britain; to declare, that we can never so far desert the trust reposed in us, as to relinquish any part of the sovereign authority over all his Majesty's dominions, which by law is vested in his Majesty and the two houses of parliament; and that the conduct of many persons, in several of the colonies, during the late disturbances, is alone sufficient to convince us how necessary this power is, for the protection of the lives and fortunes of all his Majesty's subjects; that we ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of his Majesty's subjects, which shall in a dutiful and constitutional manner be laid before us; and whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence; but that, at the same time, we consider it as our indispensable duty, humbly to beseech his Majesty, that his Majesty will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and that we beg leave, in the most solemn manner, to assure his Majesty, that it is our fixed resolution, at the hazard of our lives and properties, to stand by his Majesty, against all rebellious attempts, in the maintenance of the just rights of his Majesty and the two houses of parliament.

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Mr. *Dunning* replied to Lord North, and followed his lordship very minutely. He affirmed that the conclusions which his lordship had drawn from his facts were erroneous. He insisted America was not in rebellion; and that every appearance of riot, disorder, tumult, and sedition, the noble lord had so faithfully recounted, arose not from disobedience, treason, or rebellion, but was created by the conduct of those, whose views were to establish despotism; and were manifestly directed to reduce America to the most abject state of servility, as a prelude to the realizing the same wicked system in the mother country.

The Attorney General [Mr. *Thurlow*] dwelt strongly on Mr. *Dunning's* position, that the Americans were not in rebellion. He affirmed the contrary.

Colonel *Grant* said, he had served in America, knew the Americans very well, was certain they would not fight; they would never dare to face an English army, and that they did not possess any of the qualifications necessary to make a good soldier; he repeated many of their common place expressions, ridiculed their enthusiasm in religion, and drew a disagreeable picture of their manners and ways of living.

Mr. *Fox* spoke better than usual. He entered fully into the question; pointed out the injustice, the inexpediency, and folly of the motion; prophesied defeat on one side the water, and ruin and punishment on the other. He moved an amendment to omit all the motion, but the three or four first lines, and to substitute, But deploring that the information which they (the papers) had afforded, served only to convince the House that the measures taken by his Majesty's servants tended rather to widen than to heal the unhappy differences, which had so long subsisted between Great Britain and America, and praying a speedy alteration of the same.

Mr. *Grenville* spoke very well in support of the legislative power, and controuling supremacy of parliament; but entirely disapproved of the present measures, as every way improper, intemperate, and impolitic.

Mr. *Cruger* said, though interested as he was in the business before the House, he should have remained silent, had he not conceived that an honourable gentleman [Col. Grant] had thrown some undeserved reflections on the Americans, which he should take some notice of before he sat down, but that he chose first to pay a little attention to the general business. He observed, that the dispute between this country and her colonies was of such infinite importance to both, that he hoped he should be forgiven if he said it would be imprudent

imprudent to enter into it, but with the utmost caution and deliberation; that we were now like men walking on the brink of a precipice; that there was danger in every step, and that in his opinion the salvation of this country depended on the measures that were adopted by the House this night. He then apprized the House, that the settlement of the unhappy disputes between England and America did not particularly concern any set of men, whether in or out of administration, that it related to all, was connected with all, and materially affected the interests of the whole state. He then strongly recommended to all parties to go into an examination of the question, free from resentment or prejudice; to consider it with impartiality, to discuss it with temper, and to adopt with unanimity any salutary proposition, regardless of the man or party that may suggest it. He then endeavoured to vindicate the Americans, both as to their courage and gallantry, (in opposition to the assertions of the colonel;) the latter he did with much good humour and pleasantry, but lost his temper in the former, became personal, and was called to order. He concluded with saying, that as many schemes of accommodation were talked of, he earnestly wished that some one might be adopted which would tend to restore the harmony and affection that once subsisted between Great Britain and her colonies, and produced so many invaluable blessings to both.

Capt. Luttrell.

Captain *Luttrell* said, Notwithstanding the variety of opinions, information, and arguments, we have heard from the different parts of this House, in the course of the several debates respecting our differences with America, I fear, if we venture to consider them in a right point of view, we shall find they have put this country into a situation we are not yet sufficiently aware of, but which requires a very serious attention. Sir, I know it is unfashionable, and by some it will be reckoned troublesome, to talk of our marine in parliament, in times of peace; but after the recent proof we have had of the good disposition of a great majority of the commons of England towards it, I have no doubt but they will cheerfully listen to the concerns of the navy; and as the papers now lying before us make it very materially necessary for me to mention them, I must risque the displeasure of a few individuals, who perhaps from interest or iniquity have shewn an inclination to keep us in the dark. Sir, I congratulate administration upon the safe arrival of one half of Captain Le Cras's Squadron at Boston, because it is attended with this fortunate circumstance, that

we know where to find those ships, and so have the power to recall them from a country where they must prove totally useless to one that may possibly need their protection. Sir, it seems to me very unaccountable, for what useful purposes these two deck ships could be sent to Boston, though I did indeed expect in the course of the correspondence between Vice-Admiral Graves and the board of admiralty, some plausible excuse would have been offered us for disarming this country. But though, Sir, in this respect, and many others, these letters convey but very limited and insufficient information, they at least tend to authenticate my assertions. For, Sir, Admiral Graves, in the very curious accounts he gives us of his situation in his letters to Mr. Stephens, observes, [*Here he read several extracts from the American letters*] that the only part of the fleet he can employ in actual service, is the twenty gun ships and small crafts; for which reason he has been obliged to purchase several schooners to perform the King's service; that the rest of the fleet are frozen up, and reduced to act upon the defensive. But, Sir, I must request, that the letter of the 14th of January, from the lords of the admiralty to the Earl of Dartmouth, may be read. Now, Sir, I believe there is not a member in this House, that would not expect, as much as I did, that the information alluded to in that letter, and the correspondence said to accompany it, should of course follow; and I had indeed some curiosity to see by what magic art the admiral could station and dispose of a fleet, which according to his account, and my belief, may be long since locked up in the ice, and attackable from the shore. Loaded waggons have been known to pass upon the ice at Boston at this season of the year. But, Sir, not one line of this information is laid before us, though it clearly relates to matters of fact, not of opinion. I conclude there are reasons of the state for suppressing it, and therefore shall make no comments on the subject. The House will draw their inferences; I, as a seaman, know how to draw mine. Sir, if the epithet of traitor be applicable to him who feels for the commerce and persecutions of America, I think the English language wants a name for that man, who knowingly and wantonly disarms this country, with no better view, nor no other hope, than to destroy her colonies. The Americans, however feel this consolation, that every ship and every regiment you send to Boston, serves but to add strength to their cause; for without much pretension to prophecy, I think I may venture to foretell, that the history of these dissensions

will be similar to that in the reign of Queen Elizabeth, when the troubles subsisted in Ireland. Sir, the Queen, as impatient to subdue the Irish as you have been the Americans, sent a large army into that country: and did it immediately answer the end proposed? By no means, the Irish continued to gain strength daily; insomuch, that the Queen demanding of her ministers to know the cause of it, received for answer, that her majesty's army being there was the true reason; for that their money had found its way into the country, which not only enabled her opponents to purchase ammunition, and all sorts of warlike stores, but even to hire foreign officers to act against her. Sir, let us look towards America, and see if this anecdote is not applicable to the present times. But, Sir, I must express my surprise, when I consider our insular situation, and the true interest of this great commercial country, at the precipitate and indecent manner in which the reduction of the navy at this important crisis was determined on. Sir, a partial letter produced from one of the ports, not the most considerable one neither, and a lumped account of a supposed number of seamen in that country, or in this, was all the information the House seemed entitled to, to enable us to judge of the eligibility of reducing our naval force; but it is true, a certain noble lord did afterwards condescend to re-assume the subject, though in a language which appeared to me strange and ungracious. Sir, his lordship congratulated us upon being able to reduce the navy establishment to that of the year 1769; but, Sir, he very ingeniously forgot to remind us, that there are 1600 effective men gone in four large ships towards America, which are the complement of five sail of guardships, so that though the establishment be the same, our naval force at home is already a quarter-part inferior to what it was in the year 1769; and, Sir, I am sorry to see this reduction made at a time when, I believe, it is pretty well known that the Spaniards maintain a large fleet, under pretence of being at war with the Emperor of Morocco; and that the French, without paying them much compliment, are not less formidable in these seas than we are; for, Sir, from the best accounts I can procure at the different ports, the numbers of seamen and marines left for the defence of this country, on board the several guardships and at quarters, do not exceed 6500 effective men, out of the 20,000 voted last year by parliament; how many of the remainder are in other parts of the world, is neither possible nor necessary for me to determine. But, Sir, in this situation, is it sensible,

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is it politic, nay, is it safe, to pursue such coercive measures as, in my opinion, could only be justified if America and Great Britain were contending for the sovereignty of another empire? Are we sure, Sir, a desperate people, made so by persecution and oppression, will not commit a desperate act; and, in imitation of ourselves in former times, sue to some other power for protection? Can we believe, Sir, that the French and Spaniards will look any longer with an eye of indifference on these disputes, than may be consistent with their interest to do so; or that they have not, at this very hour, priests and emissaries in America, aided perhaps by your new Roman Catholic subjects, to blow the coal of contention between America and this country? Do we not know, Sir, that the Spaniards have never abandoned the claim they set up to Jamaica; and may we not expect, from their conduct at Falkland's island, they wait such a favourable opportunity as this to commence hostilities against us? Or can we believe that the French will ever forget the manner in which you made reprisals, previous to the commencement of the late war? I fear indeed we are about to pursue an effectual, unconquerable, though unconstitutional method, to lay a permanent embargo on our trade; but it is still possible that the French, by way of reciprocity, may insult your coasts, while great part of your fleet is frozen up in a distant country. But, Sir, I must do the noble lord on the opposite bench, the justice to say, that he has been uniformly explicit in his principles respecting the navy; he tells us to be jealous of it; that it is the favourite service, and that we must be cautious not to bestow too much upon our fleet. Alas, Sir, the officers of the navy know, by experience, that under the present administration, there is little prospect of either honours or emoluments being bestowed on their service that need create a jealousy; though, Sir, I am aware it may be accounted ungrateful if I omit to acknowledge those very high and distinguished marks of his Majesty's favour, conferred on a late memorable occasion; no doubt at the recommendation of the ministers too, upon some of the oldest flag officers and most respectable characters in the English navy; Sir, I mean the honour of knighthood. Such flattering testimony of royal approbation, I admit was sufficient to create a sort of jealousy wherever the news went forth. Sir, those dignified characters will undoubtedly command uncommon respect both abroad and at home. The event has given a consequence to the naval service, and the youth of it look up with

emulation to those high honours they may possibly arrive at, on the close of a life of danger and fatigue, spent in the service of their country. But, Sir, I marvel not at this, because the noble lord upon a former occasion, was pleased to tell us, that the question with him was, how cheap we could be served? Sir, such an expression might possibly be well adapted to a parcel of Hessians, for I would give his lordship's œconomy all due credit where it was consistent with the honour and safety of the nation; and it might probably prove useful to this country if he will extend them to the civil as well as the military departments of the state. Then, Sir, on a fair investigation of the merits, should it appear that the navy and army receive more than a proportionable share of the loaves and fishes, let a part of them be appropriated to the inestimable services of the Lords of treasury, admiralty and trade. Sir, I think the noble lord who moved this address has ventured to assert, that administration have a plan to intercept the trade of the Americans by means of our fleet cruising on their coasts. Now, Sir, I can divine but one source from whence such an idea can possibly spring; and if I am right in my suggestion, I must dread the future consequences of a certain summer excursion. Sir, I have long been aware that they are attended with a very great and unnecessary expence to the public, and that the honours of the flag have been shamefully prostituted to the supercilious vanity of those who, as individuals, are by no means entitled to the distinctions they have desired and exacted. But, Sir, I have hitherto considered these naval expeditions to be more like the pageantry of the luxurious Queen of Egypt on the Cydnus, than like a serious and official inspection into the real state of our marine. If, Sir, however, from exploring our cold shore, a judgment has been formed of the frozen coasts of America, I fear we shall, ere long experience the fatal consequences of such a conjecture. Sir, it is next to impossible that the King's ships should keep the sea in the northern parts of that country, from the month of November to the month of June; and therefore, Sir, however the leaders of government may be disposed towards the officers of the navy, I will entreat them to pay some regard to the safety of the fleet, and a little attention to the situation of this country. Then, I hope, Sir, that both humanity and interest will dictate to them not to sport with the lives of the few seamen now employed.

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Mr. *Cosmo Gordon* was against any compromise or lenient measures with America, till she entirely submitted. Mr. *Cosmo Gordon*.

The other gentlemen who spoke for Lord North's motion were Mr. Cornwall, Lord Stanley, Mr. De Grey jun. the Solicitor General [Mr. Wedderburn] and Mr. Lewis. Against Lord North's motion, Lord Lumley and Mr. Powis.

The House divided upon the amendment; ayes 105, noes 304.

The House divided again, upon Lord North's motion; for it 296, against it 106.

February 3.

Private business. Adjourned to February 6.

February 6.

The report from the American committee.

Lord *John Cavendish* moved to recommit the proposed address which had been agreed to in the committee. He strongly recommended the reconsideration of a measure which he deemed fraught with so much mischief. Commented on the proposed address; thought it improper to assert that a rebellion exists; mentioned the insecurity created by the act for changing the government of Massachusetts Bay; said the inhabitants knew not for a moment under what government they lived. His head and heart combined to deprecate the horrors of civil war, necessarily involving a foreign one also with the combined forces of very powerful nations. He represented the jealousy of our neighbours, from their disgrace and our glory in the last war. If the Americans should hear of our having declared them rebels, and that more force is coming, may they not determine rather to attack a part, than wait for the whole? A small rather than a greater number? He stated very clearly and justly our domestic situation, our state with the colonies and with foreign powers. He called the attention of the House to the unequal balance of our loss and our gain in the event; in which we might find our revenue destroyed, our trade annihilated, and our empire itself overturned. And if we succeeded in subduing America, we could gain nothing. Lord *John Cavendish*.

He was seconded by Lord *Lumley*, who expressed himself L. *Lumley*. with modesty, handsomely making his youth a personal plea for his wishing the utmost time for re-consideration on a matter so important.

Mr. Greville, against the motion.

The Lord Mayor [Mr. *Wilkes*] for the motion. He said, Mr. *Wilkes*.
The business now before the House respecting America is of as great importance as was ever debated in parliament. It
com-

comprehends almost every question relative to the common rights of mankind, almost every question of policy and legislation. I do not mean to enter into so vast, so well trodden a field. I will confine myself to the business before us. The address now reported from the committee of the whole House, appears to me unfounded, rash and sanguinary, and most unjustly to draw the sword against America; but before administration are suffered to plunge this nation into the horrors of a civil war, before they are permitted to force Englishmen to sheathe their swords in the bowels of their fellow-subjects, I hope this House will seriously weigh the original ground and cause of this unhappy dispute, and in time reflect whether justice is on our side. The assumed right of *taxation without the consent* of the subject is plainly the primary cause of the present quarrel. Have we, Sir, any right to tax the Americans? That is the question. The fundamental laws of human nature, and the principles of the English constitution, are equally repugnant to the claim. The very idea of property excludes the right of another's taking any thing from me without my consent, otherwise I cannot call it my own. What property have I in what another person can seize at his pleasure? If we can tax the Americans without their consent, they have no property, nothing which they can call their own; we might take their all. The words "liberty and property," so dear to an Englishman, so pleasing in our ears, would become mockery and insult to an American. The laws of society are professedly calculated to secure the property of each individual, of every subject of the state. The great principles of the constitution under which we live, likewise clearly determine this point. All subsidies to the crown are grants from the commons, free gifts from the people. Their full consent is always expressed in the grant. Much has been said of the palatinate of Chester, and the principality of Wales, and the period of their taxation; but, Sir, there is a more remarkable case in point, which alone would determine the question. If gentlemen will search the records in the Tower, they will find that the town of Calais in France, when it belonged to the imperial crown of these realms, was not taxed till it sent representatives to parliament. Two burgesses from Calais actually sat and voted in this House. Then, and not till then, was Calais taxed. The writ out of chancery, and the return to it, in the reign of Edward VI. with the names of the burgesses, are still extant. I faithfully gave them to the public from attested copies.

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But, Sir, it will be said, is America then to enjoy the protection of Great Britain, and to contribute nothing towards the support of that very state, which has so long given it protection and security, which has nursed it up to its present greatness? The Americans themselves have given the fullest answer to this objection in a manner not to be controverted, by their conduct through a long series of years, and by the most explicit declarations. Equally in words and actions, of the most unequivocal nature, they have demonstrated their love, their ardour, their strong filial piety towards their mother country. They have always appeared ready, not only to contribute towards the expences of their own government, but likewise to the wants and the necessities of this state, although perhaps they may not be over fond of all the proud, expensive trappings of royalty. In the two last wars they far exceeded the cold line of prudence. With the most liberal hearts they gave you almost their all, and they fought gallantly by your side, with equal valour against our and their enemy, against the common enemy of mankind, the ambitious and faithless French, whom we now fear and flatter. Our Journals, Sir, will bear witness to the grateful sense we had of the important services of the Americans, and the great sums we voted to be repaid them for what they expended in the spirited expeditions, which they carried through with equal courage and conduct, sometimes without the least knowledge or participation on our part, will demonstrate the warm affection of their hearts to this country. But, Sir, the whole was the gift of freemen, of fellow subjects, who feel that they are, and know that they have a right to be, as free as ourselves. What is their language now, when you are planning their destruction, when you are declaring them rebels? In the late petition of the general congress to the King, they declare, "they are ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to his Majesty, by exerting their most strenuous efforts in granting supplies and raising forces." This is the unanimous resolution of a congress, composed of deputies from the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent, and Sussex on Delaware, Maryland, Virginia, and the two Carolinas. I have heard, Sir, of a plan of accommodation, which I believe would reconcile all differences. But alas! Sir, it does not come from any servant of the crown: it comes from the noble

noble lord, to whom this country has the most essential obligations, and is so much indebted for its late splendor and glory. It is to assemble another congress in the spring; the parliament of Great Britain and the deputies of the several colonies to meet together, and to be jointly empowered to regulate the various quotas to be paid by each province to the general treasury of the whole empire. I would in addition to that plan propose, that a regulation similar to what actually takes place with respect to Scotland, be adopted as to America. The proportion of each colony might be settled according to the land tax in England, at one, two, or more shillings in the pound. I am not deep politician enough to know what the proportion should be of each province, and they will vary greatly in half a century, but I speak of their quota being always to be regulated according to the land tax of this country. The very flourishing colonies of the Massachusetts Bay, Virginia, and South Carolina, for instance, should contribute more, the smaller and poorer colonies of New Hampshire and New Jersey less: but, Sir, I insist not a single shilling can be taken without their consent; and after this day's debate should the address be carried, I greatly fear that every idea of a reconciliation will be utterly impracticable.

The Americans, Sir, have of late, both within doors and without, been treated with the greatest injustice, and even a wanton degree of cruelty. An honourable gentleman has just told us that they complain of the navigation act, and insist on its repeal: we have authentic evidence to the contrary. In the resolutions of the congress, they repeatedly desire to be put only on the footing they were at the close of the late war, "as to the system of statutes and regulations;" nor among the various acts, of which they desire a repeal, do they once mention either the navigation, or the declaratory act. It is said likewise, they wish to throw off the supremacy of this country: many express resolutions, both of the general congress, and the provincial congresses, are the fullest evidence of the sense which the Americans entertain of their obedience and duty to this country. They are too numerous to be quoted. Their full claim, as stated by themselves, is so well worded, I beg to read it to the house from their petition to the King; *We ask but for peace, liberty and safety.* Surely, Sir, no request was ever more reasonable, no claim better founded. *We wish not a diminution of the prerogative, nor do we solicit a grant of any new right in our favour. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain.*

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maintain, while administration are endeavouring to tear asunder those ties which have so long and happily bound us together.

The address, Sir, mentions the particular province of Massachusetts Bay as in a state of actual rebellion, and the other provinces are considered as aiding and abetting them. Much has been said by some learned gentlemen to involve them in all the consequences of a declared rebellion, and to engage our officers and troops to act against them as against rebels. Whether their present state is that of rebellion, or of a fit and proper resistance to unlawful acts of power, to our attempts to rob them of their property and liberties, as they imagine, I do not determine. This I know, a successful resistance is a *revolution*, not a *rebellion*. Who can tell, Sir, whether in consequence of this very day's violent and mad address to his Majesty, the scabbard may not be thrown away by them as well as by us, and should success attend them, whether in a few years the Americans may not celebrate the glorious æra of the revolution of 1775, as we do that of 1688. Success crowned the generous efforts of our forefathers for freedom, else they had died on the scaffold as traitors and rebels, and the period of our history, which does us the most honour, would have been deemed a rebellion against lawful authority, not a resistance authorized by all the laws of God and man, not the expulsion of a tyrant. The policy, Sir, of this measure I can no more comprehend, than I can acknowledge the justice of it. Is your force adequate to the attempt? I am satisfied it is not. What are your armies, and how are they to be recruited? Do you recollect that the single province of the Massachusetts Bay has at this moment 30,000 men, well trained and disciplined, and can bring near 90,000 into the field. They will do it, when they are fighting for their liberties. You will not be able to conquer and keep even that single province. The noble lord proposes only 10,000 of our troops to be there, including the four regiments now going from Ireland, and he acknowledges very truly that the army cannot enforce the late acts of parliament. Why then is it sent? Boston indeed you may lay in ashes, or it may be made a strong garrison, but the province will be lost to you. Boston will be like Gibraltar. You will hold in the province of Massachusetts Bay, as you do in Spain, a single town, the whole country in the power and possession of the enemy. Your fleets and armies may keep a few towns on the coast, for some time at least, Boston, New-York, St. Augustine. The vast continent of America

will be lost to you. A few fortresses on the coast, and some sea-ports only, you will keep, all the back settlements will be independent of you, and will thrive in the rapid progression of your violences and unjust exactions on the towns. The ancient story of the Carthaginian hide will be verified as to you. Where you tread, it will be kept down, but it will rise the more in all other parts. Where your fleets and armies are stationed, the possession will be yours, but all the rest will be lost. I fear from this day, in the great scale of empire, you will decline, and the Americans will rise to independence, to power, to all the greatness of the most renowned states, for they build on the solid basis of public liberty.

Sir, this address is founded in injustice and cruelty. It is equally contrary to the sound maxims of true policy, and to the unerring rule of natural right. The Americans will defend their property and their liberties with the spirit of freemen, with the spirit I hope we should. They will sooner declare themselves independent, and risk every consequence of such a contest, than submit to the yoke, which administration is preparing for them. An address of so sanguinary a nature cannot fail of driving them to despair. They will see that you are preparing not only to draw the sword, but to burn the scabbard. You are declaring them rebels. Every idea of a reconciliation will vanish. They will pursue the most vigorous measures in their own defence. The whole continent will be dismembered from Great-Britain, and *the wide arch of the raised empire fall*. But I hope the just vengeance of the people will overtake the authors of these pernicious counsels, and the loss of the first province to the empire be speedily followed by the loss of the heads of those ministers, who advised these wicked and fatal measures.

Cap. Harvey Captain *Harvey*. I shall make no apology for intruding on the time of the House, because I think it a duty incumbent on every man, who has the welfare of his country at heart, to speak out on this occasion, and declare his sentiments on so very important a crisis: a crisis, Sir, in which I believe this country has not been involved in a more intricate one since the revolution, and for which we are not only indebted to the refractory spirit of some of those ungrateful subjects on the other side of the Atlantick, but to some no less restless ones on this side of it; and which induces me to believe, that as a great minister once boasted in this House, that he had conquered America in Germany, so, I very much fear, we shall now be obliged to conquer it, or at least some part of it, again in England; for, till we put a stop to the
sedition

sedition that is so constantly, so artfully, and so shamefully blown from hence, and give a check to those incendiaries who dare breathe forth such inflammatory poison as every newspaper conveys, we can never hope, without the last extremities, to bring the wicked leaders of those deluded people to a sense of their duty and their obligations to this country.

To acknowledge, Sir, the supremacy of the legislative power of this country over all its dominions, and dispute the right of that power to exert itself, as it shall judge best for the good of the whole, is, in my humble opinion, too puerile and too trifling to throw away an argument upon; and, in our present situation with the colonies, too criminal not to condemn without hesitation. Either the legislative power of a kingdom has authority over all its dominions, or it has none over any part of them: it cannot be partial; nor do I think any one branch of that legislature can, by any act or charter whatever, exempt any particular set of its subjects from the authority of the whole legislature. Could that be done, Sir, and could a preference be given to any, I am very sure this House would long ago have turned their eyes towards our sister kingdom of Ireland, who has every claim to that preference in our affections and for our assistance, being as remarkable for their loyalty and obedience, as they are for their industry, and (I am sorry to say) for their poverty.

That America, by every tie human nature can devise, ought to be subordinate to the authority of Great-Britain, is beyond a doubt, more especially when we consider and reflect, at what immense expence of blood and treasure to this country, those very colonies have been brought to that excess of greatness and riches, as that they shall now vainly think themselves able, and insolently declare themselves ready, to shake off their dependence, and become a separate state. That they have long been aiming at it, is evident from all their proceedings, and from all the papers before you; and that they may possibly become so in some future age (long may it be first) is natural to suppose, from what history teaches us of the vicissitude of all nations. But this I am certain of, the more they dare to sound that alarm, and the more they struggle for that period, the more it is our duty, as Englishmen, to watch over them, and not let the evil day be anticipated by any remissness or want of firmness on our part, for that would not only be highly criminal towards our King and country to permit it, but also leave an everlasting stain on the present age, if we meanly shake off the task of preventing it from ourselves, and leave it for posterity to struggle with as they can.

Sir, although I am under no kind of apprehensions from the consequences that may ensue from enforcing obedience in the colonies, from the good opinion I yet have of some cool, dispassionate, well-affected men in the colonies, yet I own, for the sake of tranquility here, and our manufactures, I wish there were any lenient measures left to pursue; but I know of none that have not been repeatedly tried; and I very much fear, that mildness and lenity with which government has proceeded throughout all their conduct towards the colonies, that tenderness shewn in every step hitherto taken, has been both here and there construed into timidity, and from advantages drawn from thence, by disaffected and interested people, has produced these disgraceful and fatal effects.

For my own part, Sir, if the House will allow me to trespass on their indulgence, and speak of the conduct of so insignificant an individual as myself, I will tell them, that notwithstanding all the threats and menaces, all the harsh censures that were the other night, on this subject, thrown out against all those who had supported the measures of government, and all the crude epithets that were given to every thing that had been done, to every thing that was doing, and every thing that was to be done (without knowing very well what that last was to be,) yet, Sir, I shall, in defiance of all those threats and menaces, still glory in having given my negative to the repeal of the Stamp-act. I took the liberty on that extraordinary occasion to foretell to the House, the consequences that would ensue from that puerile, pitiful and baneful measure; and I am now no less proud of declaring, that as my education and profession has led me a very different path from that of a politician; so, Sir, from the moment I had a seat in this House, I thought it my duty to study the opinions and conduct of those, whose abilities and whose attachment to their country, justly entitled them to a preference, and very early attached myself to that good, wise and able minister, Mr. Grenville, whose loss this country will long feel and lament, and whose memory I shall ever honour and revere; though it is some consolation from what I heard the other night fall from a young noble member, to find the father's virtues and abilities reviving in the son. However, Sir, I will not prove myself undeserving the friendship and confidence that minister honoured me with, by deviating this day in one single iota from what I am confident would have been his conduct had we been so happy to have had him still among us, and therefore, as far as my voice goes, I will never consent to the rescinding, the discharging,

charging, or the repealing of any one resolution, order or act, that either the last, or any former parliament has passed for the declaring, maintaining, and enforcing the legislative authority of Great Britain over all its colonies.

Sir, I shall be very happy to give my vote, (and if I had health and abilities equal to my zeal and inclination) my assistance also, to any proper English constitutional measure that could effectually restore that harmony between the mother country and the colonies, so essentially necessary to both, but which I absolutely deny (in any one point of view) to be more so to England than to America: but, Sir, whilst there are those individuals on this side of the water, some of great abilities, some of great titles, and some few of great fortunes, but all of great passions, whom I fear are so forgetful of their duty, as to be sacrificing the honour and welfare of this country, nay risking the very existence of it to their own private views, and ambition, to their own private piques and resentments, we can never flatter ourselves that any measures will have the wished for effect, but the most determined, the most firm, and the most vigorous ones.

Having said this, Sir, let me not be understood to wish, or mean to recommend, the carrying execution through all the colonies, with fire and sword; no, Sir, God forbid I should have so sanguine a thought! I flatter myself other means may be found, and I hope, and have not a doubt, but so soon as they find us determined to do our duty, they will be brought to a sense of theirs, and all difficulties will subside without shedding one single drop of blood: but should I be so misunderstood here, and so misrepresented without doors (which is the prevailing mode) all I can say, is, that I am determined to be as indifferent to it as conscious innocence will ever be to every invidious slander. I look upon all such temporary misrepresentations and abuse, just as I do on the clouds that pass under the sun; they cast a momentary shade on all people and all things, wait but with a little patience, truth like the sun will break out, disperse those clouds, and all people and all things appear in their proper lustre. I shall therefore, Sir, wait with patience for that moment, trusting to those abilities, to that temper, and to that firmness, with which the noble lord by me, who now holds the helm, has hitherto conducted us, through the violent storm, and through all the difficulties in which he found us involved; and make no doubt, but notwithstanding all the obstacles thrown in his way, he will bring us to a lasting and pleasing calm; and therefore, Sir, I shall most heartily concur

concur in this proposed address, and be against the re-commitment of it.

Sir William
Mayne.

Sir *William Mayne*. I should not rise to trouble you this day, could I reconcile to my own breast the giving a silent vote on a question, upon which depends not only the existence of this country, but the happiness of millions. The vote I shall give, will be free from the smallest tincture of that prejudice, which has industriously been inculcated into the minds of the Americans from this side the water, that they are to expect from every member of this House who drew his first breath on the other side of the Tweed; no, Sir, I will give my vote this day, uninfluenced by party and undictated to by power; I will give it like an honest member of parliament, who considers the approbation of his own mind, his best parliamentary reward, and who acknowledges no dictator but that of his own conscience.

Some time ago, I gave my support to the address to his Majesty, holding myself at full liberty to decide upon every point relating to America when they came specially before this House. Since that time, I have taken all the information from the papers upon your table, as well as from the proceedings in America, by which I regulate my judgment upon this great and arduous situation of this country. And it is with sorrow I say it, that so very violent has been, and still is, the conduct of the Americans, that there is scarce an opening left for British justice and British humanity to interfere for their relief, or to give protection to those loyal and faithful subjects, of which I trust many are yet to be found in that continent.

No man, I think, can read the votes and proceedings of the American continental congress, held at Philadelphia on the fifth of September last, without amazement, compassion, and indignation; amazement at the act, compassion for the delusion, and indignation at the insult offered to their mother country.

Declaratory of what they say they are entitled to by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, they come to eleven resolutions, all of which, in my opinion, both in spirit and in substance, are subversive of, and destructive to, every fundamental principle which either constitutes or supports our most excellent constitution.

In the first resolution they tell you, they have never ceded to any power the disposal of their life, liberty, or property, which is a positive denial of their being British subjects, and

and of the existence of this constitution, which we all know has inherent in it a power to make laws to hold in penalty the lives, liberty and property of its subjects when the general safety of the whole requires it: as in cases of felony, where life and consequently liberty is forfeited; and in cases of high treason, where both life, liberty and property are forfeited.

They set forth, that their ancestors were, at the time of their emigration from the mother country, entitled to all rights, liberties and immunities of free and natural born subjects within the realm of England, and that they their descendants are now entitled to the same; a claim which neither the wisdom nor justice of this country will deny them, provided they will yield the same obedience to the laws and constitution of this country, which was the pride, the glory, and protection of their ancestors, at the time they left it.

It has been strongly urged by the advocates for America, that they were not represented: this has made deep impressions on the minds of many people, who thought if they were allowed an adequate number of representatives in the British senate all would be well, and every thing again subside to its original harmony: but how vain this hope all must see who read the fourth resolution of the congress, whereby they expressly tell you that the English colonies, from their local and other circumstances, cannot be represented in the British parliament; from which it must be obvious to every one, that it is not a common mixed representation with Great Britain they wish to enjoy, but a free and independent legislature of their own.

They likewise claim the full benefit of our most excellent constitution, though in the same breath they deny and resist its legal authority in every part. They declare the keeping a standing army in the colonies in time of peace, without the consent of the legislature of the colony in which it is so kept up, is against law. In times of danger from their foreign and domestic enemies, they acquiesced without murmuring to this standing army, kept up at our expence; but no sooner is the moment of danger over, and they feel themselves in a state of security from the calamities of war, and that this standing army becomes necessary to secure their obedience and allegiance to the laws and constitution of this country—but it is inadmissible, contrary to law, and a flagrant violation of the freedom of their American constitution.

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Can we view with an indifferent eye the resolutions of the congress, where in a stile more becoming the haughty courts of Versailles and Madrid, they inhibit all intercourse of commerce between America and this country. To all nations with whom we are not actually at war, we can transport our commodities with safety, but it is only on the inhospitable continent of America, that British manufactures, the produce of British industry, cannot find an asylum.

Much has been said with respect to the reception of the merchants petition. Nobody can or ought to have a higher respect for that honourable body of men, than I have; but I must say, I think their petition was decently received and decently treated. The advocates for it pressed for its being referred to the same committee with the papers; alledging, if it was not heard in that committee that you would decide upon the papers without having the evidence of the merchants, which might be essential to your determining properly upon that great question. In the course of the business of this House, it so fell out, that on the Thursday fixed for considering the papers, which was the day before the merchants committee, the House could not proceed upon them, and the consideration of them was adjourned till the Tuesday following. This left the very next day open for the merchants to come to your bar, and there give you their full evidence, which we could carry in our minds to meet that of the papers on the Tuesday following: but what was our surprise, when this House resolved itself into a committee, and called for the merchants; only one single person appeared, who read a written paper, the purport of which was, that they had nothing to offer, as they could not be heard in the same committee with the papers. Much has been said too, of foreign powers taking the advantage of our disputes with America. I am persuaded, fears of that kind are ill-founded, as all powers on the continent of Europe, who have settlements in the western and southern world, are alarmed lest, if our colonies should succeed in shaking off their dependance on this country, their would soon follow the example.

Strong suspicions have been thrown out, that the Americans have been heated to their present frenzy by incendiaries from home. If there are Catalines in this country, (I am sure there are none of them within these walls, for we are all honourable men) who have been plotting treasons in the dark against the state, let them be dragged to light; let them be

be offered up a sacrifice to the just resentments of the people and the violated rights of their country; let their names be handed down with infamy to posterity, and let ages yet to come execrate their memory.

Therefore, upon the whole, if a universal resistance to the civil government of America, as by law established, if denying a free and reciprocal interchange of British and American commodities, if resisting every act of the British legislature, and absolutely, in word and deed, denying the sovereignty of this country, if laying a strong hand on the revenues of America, if seizing his Majesty's forts, artillery, and ammunition, if exciting and stimulating, by every means, the whole subjects of America to take arms and to resist the constitutional authority of Great-Britain, are acts of treason, then are the Americans in a state of the most flagrant rebellion; a state, that every good man must lament, and none more than myself, as I sincerely wish every moderate and constitutional method to be taken to bring back these unhappy and deluded people to a sense of their duty. But if, after all, conciliating measures shall fail, this country has no alternative left, but to make use of that power they enjoy, under heaven, for the protection of the whole empire; and to shew the Americans, that as our ancestors deluged this country with their blood, to gain this constitution for us, we, like men, in defiance of faction at home, or rebellion abroad, are determined, in glorious emulation of their example, to transmit it perfect and unimpaired to posterity, or perish in the attempt.

These, Sir, are my sentiments on this great question, flowing from the purest dictates of an uninfluenced and unbiassed conscience, supported by a heart ready to bleed for the rights and liberties of the people, indifferent to me where I meet the invaders of them, whether on the cultivated plains of Britain, or the more wild uncultivated deserts of America; so shall give my hearty affirmative to this motion.

The Rt. Hon. *T. Townshend* insisted the imputation of causing a civil war was misplaced; called upon the late speaker to point out those Catalines who had fomented civil dissensions; said every one else thought the imputation and description belonged to another set of men. Said, You are in the last moment wherein there can be any possibility of a pause that may suggest any measure of reconciliation. The address cries *Evil!*

Right Hon.
T. Townshend.

Mr. *Jolyffe* said, his ideas differed so widely from the noble Lord [Lord North] he could not give his assent to measures his

Mr. *Jolyffe.*

soul shuddered at ; disapproved of the plan, and was for considering it in every light, lest resistance should be made justifiable.

Mr. Stanley. Mr. Stanley approved of the proposed address ; remarked on the papers ; said he wanted nothing but the Americans to submit ; would then hang out the olive branch, propose an amnesty, an act of grace and oblivion, a compact ; but thought some examples ought to be made.

Lord Irnham.

Lord Irnham began with asking What are the real springs and motives for administration's carrying on of this alarming and ruinous American war ? The House of Commons, in my humble opinion, said his lordship, cannot perceive, by any thing that has been communicated to us from papers read at your table, which contain very little more than what we have seen in the public prints ; nor do I think it likely we should grow wiser by any information more candid and satisfactory than that they have already bestowed upon us. However, I shall suppose in their favour, that they have other reasons and motives for their conduct, than have hitherto appeared to that part of this House which consists of independent members of parliament.

When I say *they*, I mean the noble lord at the head of administration, and a few others his chief associates ; for, as to the mass of those who support his measures, I believe they do not insist upon more weighty arguments than that constant one he furnishes them with. Since, therefore, parliament cannot merely, from the materials on your table, approve or sanctify this violent attack upon America ; and since the safety or consequence of it cannot be tried on any commercial considerations, which this House has for the present debarred us from, kindly indeed in one respect, as the view of it would have exhibited a most gloomy and uncomfortable prospect ; we are therefore, in obedience to their will, to combat them on the ground they have chosen ; and we must consider this American war, in regard to its being a constitutional, and likewise a political question, under the latter head, including foreign and domestic policy. On the ground then that they have chosen, I will meet them, and fairly put our cause to the issue.

First, to consider it in a constitutional light, it militates against the great principle which has constantly been adopted by the friends of liberty, which is the life and soul of true whiggism—that the interest of the community at large, and their sense of that interest, ought to govern and be the rule for the executive power to act by, in preference to the will

or opinion of any man, or order of men, however dignified, as servants of that community.

To evince this clearly, let us look back to the first struggle for liberty, in the reign of Charles the martyr. What was then the great point to be decided? Was it not whether the few, though possessed of all the powers in the state, civil, military, and ecclesiastical, might employ those powers against the will of the many (the body of the people) or should conform themselves to the latter?

On the one side were, not only the monarch then on the throne, but a high spirited and splendid peerage, my lords the bishops, and indeed the whole hierarchy, called the church, by far the majority of my lords the judges, and the other superiors of the long robe, with their numerous dependants. These all were for supporting the prerogative of the crown, as enlarged by the Tudors and Stuarts. They were for the dispensing power, star-chamber prosecutions, ship-money, and other arbitrary claims, as the true plan on which this nation should be governed.

On the contrary side, were the people of England at large, and as part of themselves, their faithful and independent representatives in this House; the great commercial cities of London and Bristol; the important inland towns, Coventry, Birmingham, Manchester, &c. &c. the manufacturers, artificers, and husbandmen throughout the kingdom: both sides appealed to the sword, and after the trial of many a well-fought field, it was determined in favour of the people at large; and on that decision all your liberty, property, and happiness has been founded—on that principle, of the sovereignty virtually, ultimately, and really, residing in the people.

All whiggism, every rational idea of the constitution of this, and any other perfectly free country, must rest and be bottomed on this definition. It was the constitution of Rome, when in its perfection. The Romans had consuls representing the kingly power; they had also a senate, but the sovereignty virtually and ultimately resided in the people at large.

Now, Sir, let us try the question of this day, as it includes in its consequences the liberty and property of your whole wide and extended empire, still more extensive than that of Rome. Let us try it, Sir, by that touchstone, that criterion, the interest, and the opinion of that interest, consequently the will and desire of all who claim the rights of Englishmen. First, Sir, your vast and beneficial territories

in America ; your kingdom of Ireland ; your unpenfioned and unwarped neighbours of Scotland ; and at home, your citizens of London, Bristol, and Norwich ; your trading towns of Manchester, Birmingham, Coventry ; and, in short, every great commercial and manufacturing city and town in England ; the whigs difperfed throughout every county ; thefe are all averfe to this dreadful and dangerous civil war, and are attached and rivetted to the caufe I now efpoufe, and to which adminiftration are enemies.

Pray, Sir, what can you arrange on the oppofite fide ? And who are for fupporting thofe hostile meafures ? for, excepting the noble lord at the head of adminiftration, and fome few others, fo very few, that they will eafily occur to every one that hears me, the reft of the abettors of this extraordinary attempt, are as contemptible a collection of fervile courtiers, renegado whigs, and fawning, bigotted Tories, as every ftrove to fupport the meafures of any adminiftration. It reminds me of Virgil's arrangement of the oppofite forces at the battle of Actium. On the one fide were troops of Bactrians, Arabians, Egyptians, and every fervile nation then in the world ; and at the head of them their contemptible divinities. *Omnigenumque Deum monftra & latrator Anubis*—[that Egyptian dog who was the emblem of fervitude]—*Contra Neptunum & Venerem contraque Minervam* ; for, Sir, Neptune, that is the whole feafaring as well as commercial intereft, is againft this meafure. As to Venus, every grace of body and mind is annexed to liberty. And as for Minerva, wifdom and true policy are on the fide of the Americans ; and the arts, of which fhe is the patronefs, muft immediately withdraw, when you have removed her olive branch.

Contra Neptunum & Venerem contraque Minervam.

And now, Sir, to view it next in a political light ;—firft, in regard to foreign powers, and then in regard to ourfelves at home.

Is it poffible to conceive that any thing on earth could give that heart-felt pleafure to France and Spain that this unfortunate fyftem of oppreffing America has done ! You had become the mafters of all warlike America, which they term *bold* America ; and with that affiftance you bid fair to crush their power in every part of the globe, whenever they dared to provoke you ; and now you have weakly, impolitely, and dangerously, contrived to irritate, injure, and inflame all America againft you ; and if we are not blind to our own intereft, we might eafily perceive this by the conduct of the French and Spaniards, on your applying to their refpective courts for orders to flop their merchants from fupplying America

rica with goods or warlike stores. They immediately (apparently against every motive of their interest and policy) comply with your demands; and for what ends, but plainly to urge you on, and incite you to your own destruction? For depend on it, that notwithstanding all this courtesy and *politesse*, the Americans will receive from them every ounce of powder and ball that they can pay for, as well as all other goods in abundance. This is therefore a measure of confiding in our new friends and old enemies the French and Spaniards, instead of our old friends and brethren the Americans. This kind of policy is insecure in private concerns, but must be ruinous, fatal and destructive, in this great, this important, and this decisive one. And now, Sir, to sift and examine it in what is infinitely of more importance, by a political process; by which it may be tried in those respects wherein it would operate as to our own internal happiness and security:—That the making our prince absolute and despotic over all his vast American dominions, cannot, in the sober apprehension or constitutional creed of any man that hears me, add a tittle to the happiness our sovereign enjoys, as a monarch limited by the laws he found established both there and here: and I am fully persuaded, by the frequent gracious declarations that have fallen from his mouth, he, following his natural and noble disposition, unperverted and unseduced, either by his avowed or by his inward cabinet, would of all men living less wish to possess such despotic power. But that the attempt may prove ruinous to our liberty, property, and every thing dear to our civil rights, I appeal to the history of every state that has heretofore figured on the stage of the world.

The adopting of the measures of supporting large standing armies to enforce the sovereignty over their provinces, (an alluring motive) has subjugated them all in their turns, and extinguished their constitutional provisions and barriers against tyranny.

To pass over the lesser states, not only Marius, and Sylla, and Cæsar, but Augustus and Tiberius, those able tyrants, who systematically ruined the Roman liberty, achieved it by troops raised to maintain the Roman sovereignty over their provinces. They did indeed subdue those provinces; but they also oppressed the liberty of the Roman republic; and their project reached still farther than they expected; for it stopped not till the military power, established by them for that end, overturned the imperial power itself. In less than fifty years from the death of Augustus, those armies raised to keep the provinces in awe, had no less than three emperors on

on foot at the same time; and thenceforward the military power disposed of the empire, and gave to whom it pleased the throne of the Cæsars. Whoever will calmly examine those precedents, 'tis impossible but they must be convinced that the like causes must have similar effects. Oppressed by an overgrown army, the liberty of America and Ireland (for that stands next in the ministerial plan) and afterwards that of Great Britain, will follow of course;—the monster of despotism will only grant even to the latter the favour intended for Ulysses, that of being last devoured.

I have now, Sir, to the best of my ability, agitated this great question on the ground proposed by administration, in a constitutional as well as in a political light; and will venture to assert, that it appears in both those views formidable and destructive; and that it becomes absolutely necessary to retract the unconstitutional and impolitic steps which administration have hitherto taken, founded evidently upon tory and arbitrary principles.

Let us, therefore, at length, return back to those glorious maxims of universal liberty established by our great deliverer King William the Third—that friend to mankind; to whom we owe that this nation, by adhering heretofore to those maxims, had become the most powerful and illustrious on earth; and by whose wisdom the sceptre of this empire has been placed in the hands of the family who now wield it; which may they ever do with honour and perfect safety, whilst they remain enthroned in the hearts of all the loyal, free-born, independent, and whiggish subjects throughout Great-Britain, Ireland, and America!

Mr. Adam. Mr. Adam spoke against the motion; recurred to first principles; said he was a whig; declared his readiness to support the constitution of Great-Britain, in which America was included; spoke of the doctrine of resistance; declared the Americans never had a legal power of resistance in their constitution. This last sentence brought up Mr. Jolyffe to explain.

Mr. Scott. Mr. Scott represented the dangers of a civil war, but pressed the expediency and necessity of violent measures on the present occasion.

Col. Campbell. Colonel Campbell spoke for the address, but not warmly.
Gov. Johnstone. Governor Johnstone. Before you pronounce this dreadful sentence upon a meritorious, sober, and industrious people, I hope the House will indulge me with a few words in discharge of the duty I owe myself, and likewise with a view of transmitting

transmitting my character fair to posterity, when those black scenes shall be examined without prejudice.

The real question before us is, upon the proper measures to be pursued respecting our fellow-subjects in America. In order to judge of this, we must consider the real cause of dispute. I say, the substantial difference turns upon the right of taxation. Most of the advocates on the other side have endeavoured to slur this point, and alledge, That the claims of the Americans extend far beyond this article, and that the act of navigation itself is in danger.—But it is impossible for a judicious mind to read the material papers, and not to see that this is illusory. The congress has expressly told us, They are willing to acquiesce in those laws which secure to us the monopoly of their trade, as necessary in the mutual connection;—and the instructions from Philadelphia, on which the proceedings of the congress are chiefly formed, avow these doctrines in more full and explicit terms. This method of condemning men by inference and conjecture, contrary to their repeated declarations, I cannot approve; I shall therefore bend the whole force of my argument to the original cause of quarrel—taxation.

The great and only secret yet found out, for preserving the liberties of mankind from the incroachments of that power which is necessary for the executive in large kingdoms, is the power of the purse. This was the subject of contention in the civil wars of Charles the First. It is this privilege alone which makes the House of Commons respectable: this is the point which Hampden obtained for us! And I leave every one acquainted with the history of those memorable times, to determine in his own mind, “Whether we should ever have enjoyed this blessing, if he had tamely paid the tax, and had not resisted?”—From this power we derive the certainty of assembling the representatives of the people; by this redress of grievances may precede supplies; and the security that the exercise will not be abused is derived from hence, that the House cannot impose on others what they are not to feel themselves. By the principles of the constitution, every man should be represented; but the deviation from a rule, too nice for practice, is safely borne, because the interest of every particular member remains as a pledge, that no individual can be over-burthened: when this security is removed, there is no longer any safety for those to whom the fact does not apply. What is the case respecting the Americans? Does any member feel himself affected by the impositions he shall lay on them? Nay, does not the contrary principle prevail? The more

more he shall burthen America, the more he will relieve himself. Judge Hobbert says, "If an act of parliament was made constituting a man a judge in his own cause, it would be void by the law of nature." Yet such is the precise situation in which we contend we ought to be placed, respecting the Americans, and for the denial of which we are ready to condemn our fellow-subjects to all the tortures enacted by the laws of treason.

Let us look round, and view the fate of different states that have yielded or preserved the privileges for which the Americans contend. So soon as the cortes lost this power, their slavery was compleat. Portugal has now no vestige of this Palladium—Here is tyranny supreme! In France, where the traces are left, (as in the *pays d'état*) their happiness is distinguishable from the misery of other parts. In Britain we are yet free, because we retain it. In Holland, Switzerland, and the other states of Europe, they are more or less so as they preserve it.

What are the circumstances that distinguish and protect the British colonies from those of other nations? The representatives of the people met in general assembly, and the trial by jury—If the system of taxation, by the parliament of Great-Britain, takes place, what being can be so credulous as to expect the assemblies of the people will ever meet; and it is confessed, that admiralty courts, disclaiming trials by jury, are necessary to enforce this species of taxation. Here then are all the essential privileges of an Englishman dependent on this question, and the real interest of the state is no way concerned in the contrary scale, since the prosperity of the colonies must ever prove the riches and glory of England. Nothing but the absurd pride, or narrow ignorance of the present administration, can be thrown into it. When once this system takes place, we shall then feel the tyranny and oppression of governors, with all their train of dependents, as in the provinces of Rome, which are now quoted as an example.

Thus much supposing the Americans right in the dispute (as I believe they are); but supposing them wrong, I shall now state their excuse, and see what heart can condemn them, and retain any claims to humanity.

The question concerning the right to tax the colonies, though clear to those who are accustomed to think deeply on the principles of free governments, is difficult to common apprehensions. Montesquieu has observed, "that in despotism every thing ought to depend on two or three ideas."

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D E B A T E S.

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As for instance, is there any thing so fit to solve this dispute, as the unity of the British empire—the supremacy of the legislative authority of Great Britain—the omnipotence of parliament? Is there any man so ignorant, after having heard those sounding words, as not clearly to comprehend the whole of the controversy? Plodding, thinking creatures, who are accustomed to consider the complicated privileges in a free government, from whence the harmony of the whole springs, may be puzzled; but men who have never disturbed their repose with such dry considerations, can have no doubt on the matter; be that as it may, certain it is, that the discussion of this most important question was debated in this assembly by the greatest abilities, after the fullest information that ever accompanied any political question. The decision was in favour of the Americans; the stamp act was repealed.—I admit that “principles of expediency” are alledged as the reason, in the preamble of the bill; but the men who boldly denied, during this discussion, the power of taxing the colonies, as constitutionally existing in the commons of Great Britain, namely Lord Chatham and Lord Camden, (men of as extraordinary talents as ever adorned society) the one was made prime minister, the other was created a peer, and lord high chancellor of Great Britain, the keeper of the King’s conscience!—What American could have retained any doubt of his cause in the mind of his Majesty, or the nation, after such a decision? The compromising act soon followed (for the sake of gratifying a party) violating all the principles of commerce and policy in the lump-giving draw-backs here, exacting duties there, committing the power and authority of the nation on subjects which never could produce any effectual revenue, and this in a manner that all men of sense must ever condemn.

When the Americans saw, by this act of parliament, that the great question was likely again to return upon them, in the progress of time, through the greediness, ignorance, or caprice of statesmen, they met the position in its sly, circuitous, questionable shape; they recurred to their old principles; they revolted against the preamble; they transmitted petitions; and all failing, they entered into non-importation agreements: this produced Lord Hillsborough’s circular letter, which I will repeat again and again, till a contrary conduct is pursued; for no satisfactory answer can be given about it, while the present doctrines are avowed. The Americans, thus fortified in their opinions concerning the point of taxation, are unanimous against our power, from Nova

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Scotia

Scotia to Georgia. If there be any doubt on this fact, why not call Governor Eden? We are told he lately arrived; it would have been becoming to have produced him: but I call on his relations, friends, or any man, to contradict me in this assertion, "that the Americans are unanimous against this power of taxation, as lodged in the British parliament." They are resolved to resist; and since you have placed them in a situation, where they must either be rebels or slaves, the blame must lie with those who have drove them to this dilemma.

In discussing the question of resistance, the gentlemen on the other side have great advantages. We stand on difficult ground, since, from its nature, it never can be defined, or admitted as lawful. The first officer of the crown has fairly expressed my ideas on the subject. The principle should never be extinguished in any government, much less in a free country; the occasion must ever be referred to the general feelings of mankind. Now, if depriving a trading town of its commerce—if cutting off whole societies from the benefit of the element which God has given them—if proceeding to deprive them of the fishery, their subsistence—if altering their charter, and annihilating all their rights, without hearing them in their defence—if establishing, in its stead, a new form of government, which leaves all things in confusion—if erecting a system of tyranny in their neighbourhood, and establishing (not tolerating) all the absurdities of the Roman catholic religion—trial by jury dismissed—*habeas corpus* denied—the representatives of the people determined useless—inferior duties levied by act of parliament—in short, precedents for the violation of every thing we hold most sacred in this country: I say, if acts like these can vindicate resistance, the Americans can quote them, and God and the world must judge between us. For my own part, I consider, with Lord Somers, "that treason against the constitution is the first species of that crime." Acts of parliament are sacred things, and yet they may be so made, grinding the face of mankind, that human nature will revolt at their severity. Dudley and Emsom were hanged for acting—according to act of parliament.

I have now stated the arguments which should induce you to pause at least before you take this irretrievable step. I shall examine next the consequences.

Suppose we should succeed in subduing the Americans, is it not clear from henceforward that we must govern them by military force? Must not our army be increased in proportion?

tion? While his Majesty retains the power of moving his troops from one part of his dominions to another, can there be any safety for the liberties of this country? If the mortification begins at the extremities, will it not soon communicate to the centre? Every man acquainted with the history of nations must foresee the consequences. If we fail in the attempt, which is the happiest event that can occur, what difficulties may not disgust, irritations, and all the horrors of civil war, engender? While the justice and moderation of this country are blotted from the face of the earth, and the accumulated expence, when the springs of riches are cut off, must shake public credit to the very centre.

The noble lord has hinted, "if repealing the tea tax would do, he would yield that," and he speaks even faintly on the power of taxation. If these are his principles, we are yet more inexcusable. We are going to punish men for maintaining what we are ready to yield, and to engage the nation in endless expence, for the sake of a quiddity. Since whether renounced on the principles of expediency or right, the satisfaction must be equally complete to the Americans.

But the noble lord alledges, "that yielding the point of taxation would not now do." This is conjecture on his part: but at least it would produce this good effect, we should divide the Americans; we should unite men in this country, and go to the contest with better hopes of success. The proofs the noble lord gives for his opinion are several indiscreet acts of different meetings since the late confusion in America. Such detail never affects me. I think no conclusions can be drawn from them—In all civil wars, when the people are let loose to reason on government, a thousand absurd doctrines are broached. Let us apply this to our own country—let us remember all the ridiculous circumstances which Hudibras has painted better than I can. But should the great cause of liberty, in which our ancestors were engaged, suffer from such circumstances? To their feelings we may trust; on the reasoning of the multitude there is little dependance. For my own part, I think with Cardinal De Retz, "that any number above one hundred is at best but a mere mob." [*Here the House felt the expressions as too strong.*—It never could be my intention to apply the rule to this House, long trained in form and discipline, though sometimes there are doctrines and proceedings, even here, that would surprize a stranger into this belief.

But the noble lord says, "Why not petition first, and acknowledge the right, and then we will grant relief." Have they

they not petitioned? Is there a means of supplication and protestation they have not tried? I am convinced they went to the crown merely as a mode of introducing their petition here. Now you deny hearing their agents. An honourable gentleman in administration says, "he wished we had heard their petitions." Do not then condemn them for not petitioning, till you have declared your resolution to hear them. Can it be expected the Americans will act on the inuendos of a minister? If you mean fair, why not declare your intentions by some binding act? After the East India company, who will trust you? You invited them to petition, under hopes and declarations, and afterwards made use of this very petition, to deprive them both of their money and their privileges. In the ceded islands you invited men to settle under the royal proclamation, and then levied four and a half *per cent* on their produce, which procedure has lately been condemned in the courts of law. In Canada you have been guilty of a greater violation, as liberty is dearer than property. Here you have despised the royal proclamation, and forfeited your engagements to mankind. I repeat it again, What man or society of men can trust you?

The next objection to the Americans is the congress. This is now termed an illegal meeting. Government here, lay by with great expectation, waiting their resolves. If they had been favourable to their views, or had any untoward circumstances broke their union, we should have had much eulogium on the congress. Now they have come to resolves favourable to the liberties of mankind, all is abuse. I do not know by what law (except that of common sense) mankind can be regulated on these occasions. What kind of meeting can that be called, which was held in this place at the Revolution? Aldermen and old members of parliament mixing in consultation. The necessity on these occasions gives rise to the case. You wished to know the sense of the people of America: Was ever the judgment of a people so fairly taken? First the occasion is promulgated: the people chuse representatives; these chuse deputies; the deputies in congress publish their proceedings, each member returns to his respective colony, where his conduct is again approved—No place, no pension, no bribe, to influence his election, or bias his vote.—But even as to the legality, the manner of meeting is not new; government itself called a congress in the last war, to apportion the quotas of men and troops.

One gentleman has said, "that our situation is quite new, and there is no example in history to direct our steps." I say there

there is a case directly similar, but we are too conceited to profit from such experience. Philip the Second and his seventeen provinces are the counterpart of what we are acting. The debates in his council on sending the Duke of Alva into the Netherlands, are applicable in every part. He was advised by two sensible men, to repair thither himself, and hear the complaints of his people, before he came to such rash resolves: but the majority said, as in this case, that his glory was compromised. It was not religion only, but taxing without consent of their states, that brought matters to the last extremity: the Duke of Alva, it is true, was victorious every where at first, but his cruelties were but sowing the serpent's teeth. The gues, the beggars of the Briel, esteemed at that time infinitely more despicable than the New Englandmen are represented, gave the first shock to the power of Spain. In comparing the probability of events, can any man say Great Britain has such a prospect of victory in the contest, as Spain might then have expected? yet we know the event, and how that mighty empire was rent in pieces. The present resolution hurries us into that situation, from which there is no retreating. It obliges the Americans, immediately to act. By declaring them in rebellion, they must have recourse to arms; all negotiation is cut off.—I think the word rebellion both impolitic and unjustifiable. I beg to know what paper on your table can vindicate that term? The first law officer of the crown said, "A number of men committing treason was rebellion." I differ from him in the definition: according to my conception of the phrase, they must be in military array, to affect some military purpose. One hundred men coining money are not in rebellion, though committing treason. Insurrections to pull down inclosures is not rebellion, though deemed a constructive levying war. In the case of Purchase and Demerce, for pulling down the meeting houses, they were convicted of treason, but no one ever thought of saying the confederates or associates were in rebellion. I think we should be very cautious how we criminate bodies of men on such intelligence. I dare say the noble lord has been deceived himself: but this I affirm, he has hitherto constantly deceived this house. It appears to me that no intelligence from General Gage can be depended on. I beg the House will attend particularly to what I now say, before they engage their lives and fortunes. It appears General Gage has regularly deceived administration. No event has turned out as he foretold, or gave reason to hope; the

the next letter constantly contradicts the expectations raised by the former. He seems never have known what they were about—no doubt grossly imposed on himself—but the facts are undeniable. When he first arrived, he writes, the malecontents were abashed, and the friends of government would soon appear. Next, his expectations from the assembly were disappointed, and he dissolves them in surprise: then, there would be no congress; next, though there would be a congress, they would differ and disagree: in short, led on, and leading others by vain expectations, till the last letter, which announces a total disaffection, and which I believe to be the true state of the provinces.

Singling out the province of Massachusetts Bay, can answer no purpose, but to expose our partiality. It is the cause of all, and the other colonies can never be so mean as first to encourage and then desert them before the general right is settled.

The noble lord talks next of stopping their fisheries; but he says, "the act is only to be temporary." Does the noble lord think he can turn the channels of trade as easily as he can turn the majorities of this House? To explain the idea, supposing the New England fisheries stopt, their utensils must waste and destroy. But, will the English merchant madly increase his stock, and fit out new ships, if the act is merely temporary? If it is perpetual, the people in America are ruined. The consequence is, that the French must in the end reap the benefit of all this strange policy.

We are constantly stating the great obligation we have conferred on the colonies by our former behaviour towards them: if it was ever so good, we can claim no merit from hence in private or public concerns, to do injury in future. They do not complain of your former behaviour, but they say, you have altered this very system from whence you would now derive their submission.

There are two arguments of the noble lord which I must remark upon before I sit down; the first is, "the comparative view of taxation between this country and the colonies, according to the number of inhabitants." His lordship says, "we pay about twenty-five shillings a head, and they pay about six-pence." Who is there so unacquainted with political arithmetic as not to know that the small sum people pay in taxation is often a proof of their poverty, and the large sum a proof of their prosperity, by demonstrating the riches from the greatness of the consumption? Let this kind

of reasoning be applied to Ireland and Scotland, where we know the multitude to be poor in comparison to the inhabitants of London, whom we know to be rich; besides, if the colonist does not pay in palpable cash from his own hand, does not he pay all the taxes on the four millions of manufactures he receives, and part of those taxes on the raw materials he sends hither.

The other argument is still more extraordinary. The noble lord says, "if we fail in our attempt of forcing America, we shall still be in the same situation we are in at present." What! after our armies have been disgraced, our fellow subjects destroyed, all the irritation of a civil war, public confidence, and fair opinion lost! does the noble lord think he will be in the same situation himself? I really speak it with regret; for personally I have much regard for the noble lord, and particularly because I perceive, from his faint manner of stating his propositions, that they are not the dictates of his own mind, and that they are forced on him.

I cannot see my other memorandums, and therefore I shall conclude by heartily concurring with the noble lord who moved for the recommitment of this address.

Sir Robert Smyth spoke of two kinds of connexion which the Americans had with Great Britain. The first, as emigrants, they had a political connexion. The commercial connection was next in order. If we had stopped to hear the merchants petition, it was just the same as if we had stopped the measures of government against the rebels, when they were in the heart of the kingdom, to hear petitions from Preston and Manchester. Was therefore for proceeding. [There was a trifling altercation between this gentleman and Mr. Burke, but it had not relation with the subject of debate.]

Sir Robert
Smyth.

Mr. Burke applied his argument to that prevalent idea, which alone, he said, can make one honest man the advocate for ministerial measures, viz. that the Americans attack the sovereignty of this country.—He said, the Americans do not attack the sovereignty itself, but a certain exercise and use of that sovereignty. He stated, that no tyranny itself found a justification of their tyranny in the mere plea of their unlimited authority. He stated seven acts of tyranny, which justified resistance. He shewed, that the cause of the late rebellions at home, and those disturbances in America, differed widely; that the trade of the country was little affected by those

Mr. Burke.

those rebellions; that our trade at present is the primary object; that the object of that rebellion was to set an unnatural tyrant on the throne; that he feared the Americans were now what we were then; and they were struggling that an insufferable tyranny should not be established over them. He represented the delusion practised by ministry, who in all speeches argue that Boston alone was in rebellion, and that it was an affair with Boston only; but he shewed that all America was concerned, from clear and positive facts. He proved, that from one end of the continent to the other, the like resistance had been found; and he pressed the independent members to consider that; for he said, if people were once convinced that the mischief was so wide, they would think a little more seriously what might have been the causes of so general discontent, and might wish to apply other remedies than fire or sword. He said, that their definition of rebellion was the oddest he had ever heard; it must be the destruction of tea; but burning tea was not in their definition rebellion, for such a place had burnt it; that spoiling it in damp vaults was not in their definition, for it had been so treated in such a place. Now to answer their definition of rebellion, tea must be drowned like a puppy dog; and even that was not quite enough; it must be drowned, and drowned at Boston. This was their definition of rebellion. He exerted himself to deprecate the shameless tyranny we exercised. He abhorred political as much as he did religious persecution. His heart seemed engaged. He mentioned with horror the idea of tearing a man from his family and friends the other side the Atlantic, and tearing his heart out in Smithfield, stiling it the heart of a traitor, because he would not believe in virtual representation, and because he would not believe that America—was part of the manor of Greenwich. He said, he had two years before called their attention to Virginia, the mother colony; and shewed that in all their proceedings Virginia had taken the lead; and that therefore it was plain it was not Boston, but America; and if you meant a war with the whole, you ought with your eyes open to prepare for that, and not for a scuffle with Boston. He also put it on its true bottom; You have, says he, your option America or this ministry; and he exposed, with all his wit, the absurdity of balancing in such a choice.

Solicitor General. The *Solicitor General*, [Mr. Wedderburne] replied to Mr. Burke. He spoke largely of the goodness of Britain to America. Thought it highly necessary to enforce the laws, and

and complained much of the dispositions of the Americans being encouraged from hence by those who avowed their cause in England.

Col. *Barré* allowed that the Americans might be encouraged by their confidence in having friends at home, when they recollected that a few years ago that gentleman's voice was made hoarse in condemning the measures of this country towards America. He [Mr. Wedderburne] was never louder than in his invective against Lord Hillsborough for the letter which he [Mr. Wedderburne] insisted deserved impeachment. The Colonel went into a fine eulogium on the three gentlemen, Col. Howe, Col. Burgoyne, and Col. Clinton, destined to serve against America. He lamented that this country should lose their services when the course of things must call for it; for a foreign war was inevitable, if we incurred a civil one. He insisted that no honour could be gained there. He avowed a fear that we should not vanquish, and insisted it was our duty to cherish the Americans. He reproached the spirit of administration, who in the Falkland's island business, and in all foreign transactions, readily sacrificed the honour of the nation: but in dealings with our own people, when the people's good ought to be the first object, pride and dignity was their only principle. He shewed from count de Guines's memorial, that we had agreed on that occasion to disarm first, but now the Americans must submit first; and when they do, they may look to be pardoned when the ministers are ashamed to punish. He said he felt himself connected with America more than any man in the House: and added, You are this night to decide, whether you are to make war on your colonies.

Lord *North* professed good intentions, but did not seem to promise much success in his measures. He made some distinctions between his administration and the duke of Grafton's. Said he did not mean to tax America. And added, if they would submit, and leave to us the constitutional right of supremacy, the quarrel would be at an end.

Mr. *Mackworth* spoke against the address, and observed, that as the minister had declared, he did not mean to tax America [which Lord North did declare] he was for stopping short, as he thought it an idle quarrel about words; when we were avowedly to get nothing.

Mr. *Sawbridge* against the address. Two parts in it he could not agree to. First, saying the Americans were in rebellion. The second, promising to risk his life and fortune.

This debate lasted till half an hour past two in the morning;

ing; when the house divided; for the recommitment 105; against it 288.

February 7.

Conference with the lords, at the request of the commons.

February 8.

Another conference, at the request of the lords, to acquaint the commons they had agreed to the address.

Lord *North* moved to postpone the further consideration of the American papers to the 10th.

Mr. *Fox*.

Mr. *Fox* said, the noble lord was all hurry till he had effected measures for rescuing general Gage out of the very dangerous situation he was in; that he now imagined he had got him into a state of security, he meant to proceed more coolly and deliberately, because he dreaded that the defeat and destruction of that general and his troops would be solely attributed to his lordship's negligence and rashness. He contrasted his lordship's conduct respecting the several petitions presented by the American merchants, remarking that administration would not wait a single day to hear the complaints of so respectable body; but now, that his favourite measure was carried, he seemed to proceed with caution and deliberation. He concluded by observing, that he understood the measure his lordship had next in contemplation to carry into execution was the most extraordinary that ever entered into the head of an English minister, to prevent the New England provinces from fishing on the banks of Newfoundland.

Lord *North*.

Lord *North* replied, that it was impossible for him to escape the censure of the honourable gentleman, let him act as he might. If he had proposed any measure to the consideration of parliament this day or to-morrow, hurrying matters precipitately would be imputed to him; now that he had given the House a respite of one day to consider and deliberate, he was charged with procrastination, and to what motive was this delay attributed? Because General Gage was now in safety. For his part, he could not see how any resolution of either House of parliament, could be a means of immediate security to that gentleman, if he were in danger. He was sure he was not; but was in all imaginable safety and security. As to the petitions, he denied that the House refused to hear them; neither were they withdrawn, but were still properly under the consideration of the House; nor upon any ground, could the information of one day, upon a subject so vast and extensive, be of any material service.

A pe-

A petition of the manufacturing hosiery of the town and county of the town of Nottingham, was presented to the House, and read; setting forth, that the petitioners with great humility approach the natural guardians of all that is valuable to them; and beg leave to represent the impending ruin of the trade and commerce of the said flourishing town and neighbourhood; that the produce of the manufactories under their direction has hitherto, in a very great proportion, been exported to the American Colonies; and on the demand from thence depends the employment of many thousands of their ingenious and industrious artificers; the entire cessation of this important trade has not only shut up in their warehouses a great part of their property in different sorts of goods provided for the American market alone, but obliges them daily to dismiss from employment their dependent workmen, who have no resource but in the exercise of that trade; every day will add to the number, from the utter inability of the petitioners to proceed in the accumulation of an useless stock; and a short time must consign great part of the most useful but most necessitous members of their community to absolute idleness, and all its dreadful train of evils; distressed in themselves, they have no hopes of administering that relief to their wants, which in every ordinary exigence, humanity has prompted them to; and, if not prevented by the timely interposition of parliament, they see no possibility of repelling that poverty, distress, and ruin, in which the said town and neighbourhood must be soon involved, whatever be the fate of the kingdom at large; abhorring the thought of stimulating the dissention of this nation, and urged only by sober important truth, interesting in its extensive operation to every individual, they humbly recur to the wisdom of parliament, in this their alarming situation; trusting that the faithful depositaries of the people's welfare will find some temperate and honourable means of conciliating the differences of the British empire, which will revive the hopes of the manufacturer, and enable him to call back into the arms of industry the poor distressed artificer.

Referred to the same committee as the London and Bristol petitions had been.

February 9.

Waited on the King with the address.

February 10.

The Speaker read the King's answer.

"My Lords and Gentlemen.

I thank you for this very dutiful and loyal address, and for the affectionate and solemn assurances you give me of your support, in maintaining the just rights of my crown, and of the two Houses of parliament: and you may depend on my taking the most speedy and effectual measures, for enforcing due obedience to the laws and authority of the supreme legislature. Whenever any of my colonies shall make a proper and dutiful application, I shall be ready to concur with you in affording them every just and reasonable indulgence: and it is my ardent wish, that this disposition on our part, may have a happy effect on the temper and conduct of my subjects in America."

Lord North acquainted the House that he had a message from his Majesty, which he read in his place, delivered in at the table, and is as follows:

G. R.

"His Majesty being determined, in consequence of the address of both Houses of parliament, to take the most speedy and effectual measures for supporting the just rights of his crown, and the two Houses of parliament, thinks proper to acquaint this House, that some addition to his forces by sea and land will be necessary for that purpose; and doubts not but his faithful commons, on whose zeal and affection he entirely relies, will enable him to make such augmentation to his forces as on the present occasion shall be thought proper."

The message was referred to the committee of supply.

The House resolved itself into a committee on the American papers.

Lord North.

Lord North moved, that leave be given to bring in a bill to restrain the trade and commerce of the provinces of Massachusetts Bay, and New Hampshire; the colonies of Connecticut and Rhode island, and Providence Plantation in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the Banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a time to be limited. He supported his motion, by declaring, that as the Americans had refused to trade with this kingdom, it was but just that we should not suffer them to trade with any other nation. That the restraints of the act of navigation, were their charter; and that the several relaxations of that law, were so many acts
of

of grace and favour; which, when the colonies ceased to merit, it was but reasonable that the British legislature should recall. In particular, he said, that the fishery on the banks of Newfoundland and the other banks, and all the others in America, was the undoubted right of Great Britain. Therefore we might dispose of them as we pleased. That although the two Houses had not declared all Massachusetts Bay in rebellion, they had declared, that there is a rebellion in that province. It was just therefore to deprive that province of its fisheries. That in the province of New Hampshire there was still a governor and a government; but government was weak in that colony; and a quantity of powder had been taken out of a fort there by an armed mob. Besides the vicinity of that province to Massachusetts Bay was such, that if it were not added, the purpose of the act would be defeated. Rhode Island he stated not to be in a much better situation than Massachusetts Bay; that several pieces of cannon had been taken there, and carried up into the country; and that they were arraying their militia, in order to march into any other colony, in case it should be attacked; and this could, in the present circumstances, be for no good purpose. That from Connecticut had marched a large body of men into the Massachusetts, on a report that the soldiery had killed some people in Boston; and though this body had returned, on finding the falsity of that report, an ill disposition had been shewn, and that this colony was in a state of great disorder and confusion. To this he added, that the river Connecticut afforded the inhabitants of that colony an opportunity of carrying on the fishery. The same might be said of Rhode Island: and as the same argument of vicinity might be applied to both the provinces as well as to New Hampshire, in order to prevent the defeating of the act, they also ought to be included in the prohibition to fish and to trade.

His lordship having proceeded thus far, added, that he was not averse to admitting such alleviations of the act as would not prove destructive of its great object.

1st, Therefore, he would move it only as temporary, to the end of the year, or to the end of the next session of parliament.

2^{dly}, He would permit particular persons to be excepted, on certificates from the governor of their good behaviour: or upon their taking a test of acknowledgement of the rights of parliament.

Mr.

Mr. Dunning.

Mr. Dunning thought the Americans had a right of fishing on the banks of Newfoundland. Said there was no rebellion in Massachusetts Bay; nothing that can be construed into treason; even if there is a rebellion in some parts, why is the whole to be punished? Why New Hampshire? Why Rhode Island? Why Connecticut? If the fact was true, that General Gage had attacked, was sacking and burning the town of Boston, and the Connecticut people resisting, the latter are not in rebellion. He said the ministers were the best authors of a receipt to make a rebellion.

The Attorney General.

The Attorney General [Mr. Thurloe.] No resolutions, though of both Houses, can make a fact, or decide the law. He had given his opinion upon papers laid before him, that there was a rebellion in Massachusetts Bay. He defended his opinion, by explanation of the facts upon which he gave it; first as to treason, next as to rebellion.

Mr. Dunning.

Mr. Dunning to explain. Rebellion is that state between government and its subjects, which between two hostile states would be war.

The Solicitor General.

The Solicitor General [Mr. Wedderburne] to prove a rebellion in America from the honourable gentleman's [Mr. Dunning] definition.

Sir Fletcher Norton.

Sir Fletcher Norton [the Speaker] to give his opinion on the point of law, divested of the facts, and leave the committee to apply the facts and the opinion. The law does not know the word *rebellion*. Levying war against the King is treason; so is endeavouring to wrest the sword out of the hands of the executive power. Will not apply the facts to the law.

Gov. Johnstone.

Governor Johnstone said, that the proposition was absurd, and cruel; absurd, because it took away trade from our own colonies, which, those who understood that trade must know we should not be able to transfer to ourselves, when it was taken from them. That God and nature had given that fishery to New and not to Old England. That when it was once destroyed, we should not be able to restore it to those from whom it was thus violently taken; because the little capital, vessels, and implements of fishermen (many of them poor) were only kept up by constant returns of profit: when the profits failed, the capital and implements would not be restored. That France, who was sufficiently alert at taking advantages, would come in for a part at least of the benefits of which we thus thought proper to deprive our own people.

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It was cruel, he said, in the highest degree, and beyond the example of hostile rigour. That a maritime people always drew a considerable part of their immediate sustenance from the sea. This bill therefore would be inhumanly to starve a whole people, except such as a governor should think it proper to favour. That this partial permission must give rise to unjust preference, monopoly and all sorts of jobs. He said he had served in the navy the whole of the last war; he had in his eye several captains, who had cruized off the enemy's coasts during the whole war, and he appealed to them for the truth of what he asserted, that it was a constant rule in the service to spare the fishing craft, thinking it savage and barbarous to deprive poor wretches of their little means of livelihood, and the miserable village inhabitants of a sea coast of their daily food.

Right Honourable *T. Townshend* urged strongly the contradiction which prevailed in the principles of the proposed bill; for if the other provinces were in rebellion, as well as the Massachusetts, why were they not declared so? If not, why were they included in the very same punishment?

Right Hon.
T. Townshend.

Sir *George Savile* rallied with pleasantry some arguments of the lawyers about treasons, and exposed the idea of depriving a whole province of its subsistence, because a rebellion; we know not where, nor by whom, is lurking in it; and then punishing a second province, because it is next door to rebellion; a third, because it would be doing nothing if you let them escape; and a fourth, because otherwise ministry could not square their plan. He then took it up in a serious light, and said, that he had heard with pleasure many young members speak with much ability on this occasion. They all had apologized for their want of experience in this session. That he was obliged to consider, and apologize for himself, as a very young member of parliament. This will appear very strange to those who know that I have sat a great many years in this House. It is true I have carried through many turnpike bills, several draining bills, a multitude of navigations, and inclosures without number; but I am now come quite a novice to the ways and means for the ruin of trade and commerce, and the dismemberment of a great empire. He then entered, into the general argument, concerning the justice of making all parts of a state contributory to the support of the whole, and that those who receive protection ought to submit to taxation. He admitted the general maxim to be true; but observed, that

Sir *George Savile.*

that this was only in case where all the parts received the same protection in equal benefits and equal privileges; otherwise equal payment for unequal protection would be injustice itself. That people by compact might give up a part of this right; but then this compact ought to be proved; and it ought to be proved also, that an adequate compensation was given for it, else the bargain would not be fair. And this brought him to the doctrine of resistance, which had been handled as best suited the purposes of those who used it. That if rebellion was resistance to government, he could not consider all rebellions to be alike;—there must be such a thing as justifiable rebellion—and submitted to the House, whether a people taxed without their consent, and their petitions against such taxation rejected; their charters taken away without hearing; and an army let loose upon them without a possibility of obtaining justice; whether a people under such circumstances could not be said to be in justifiable rebellion?

Sir W. Meredith.

Sir William Meredith spoke next, and expressed great sorrow and surprise, that the honourable gentleman should call the rebellion in America a justifiable rebellion, since it was the laws which they resisted; and he [Sir George] had consented to the declaratory act, which asserts a right in parliament to make laws to bind America in all cases whatsoever. The power of God himself was bounded within the limits of strict justice; a power to bind, in all cases whatsoever, had never been claimed by the greatest tyrant upon earth, nor by any earthly power, before the declaratory act. He thought, therefore, the honourable gentleman should move a repeal of the declaratory act, and of every act that he thought injurious to the freedom of America, before he exhorted the Americans to bring on themselves, their families, and their country, all the horrid consequences of rebellion.

That he had opposed, and ever would oppose, the principle of laying internal taxes on America; but it was not taxation, but the trade of Great-Britain, which the Americans now opposed. The tea duty is the only tax that remains; a tax, which the Americans first resisted, had afterwards complied with, and paid regularly; but when the East-India company sent the tea to be sold at a lower price than the smuggler of Dutch and Swedish teas could afford, then they began to resist the law, then they destroyed the merchants property, then they began to threaten ruin to the commerce of this country, not in support of liberty, but merely to support their

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own illicit commerce. He [Sir William] had promoted the repeal of the stamp act, but would never have taken the part he did, could he have supposed the ministers who gave up the advantages, would have maintained the principle of taxing America. Neither would he have consented to a repeal of the stamp act, had he not believed that the ministers of that time would have made some effectual provision for the security and protection of the merchants who trade to America. Instead of which, the Americans were then taught, that they had nothing to do but to threaten our merchants with ruin, and our manufacturers with famine, and then, upon such threats, the legislature of Great-Britain must submit to their will. Three times, in the space of a few years, they had thrown the whole trade of Great-Britain into confusion; that it had better be given up, than preserved on such conditions. Life itself was not worth keeping in a state of uncertainty and fear. Things were now brought to a crisis. The conflict must be borne, and he hoped would never end, but in relinquishing our connections with America, or fixing them on a sure and lasting basis. As to the proposal of stopping the fisheries, whatever distress it might bring on the Americans, they had no reason to complain. It was no more than they had begun to practise themselves. They had taken a resolution; as far as in them lay, to ruin our merchants, impoverish our manufactures, and starve all the West-India islands. To them, therefore, it can only be said,

—*Non lex hæc justior ullam,*

Quam necis artifices arte perire suâ.

Lord John Cavendish and Mr. Townshend replied, that they had been in office with the right honourable gentleman who spoke last, when the declaratory act passed, and afterwards long continued in intimacy with him; but had never heard, publicly or privately, of his objections to the declaratory act, before this year. They thought it very odd, that he should have voted for several severe and proscriptive acts, in order to force the Americans to obedience to taxes, since he thinks that we had no right to impose any, and that in this respect he had gone far beyond the most zealous partizans of the rights of this country: as little could they reconcile his voting last year against the repeal of the tea duty, to his aversion to the right of taxation.

Lord Beauchamp and Sir Richard Sutton supported Lord North's motion on the equity of prohibiting the trade of those who had prohibited ours.

Mr. Burke said, that he did not mean to trouble the committee long—nor to be heard beyond those to whom he

Mr. Burke.

immediately applied. That by the proposed bill, they had disposed of four of their provinces. Some were troubled with a concealed rebellion; others were concealers of that concealment; some were infected; others next door to the infection. Provision too was to be made by licences and dispensations, and tests for those in the several provinces who were more innocent or more in favour—But that there was a fifth province, for which no provision at all had been made, which was like to be as great a sufferer as any of the other four, though not in rebellion, or in the neighbourhood of rebellion. This province had used no other force, but of one kind, which is not very terrible on earth, though it is said to offer violence to heaven, the force of prayers and petitions. That this province was England, which had now several hundreds of thousands of her property in the four provinces of New-England. He then shewed, that New-England was not a staple colony, and could only pay her debts through the fishery and the trades which depended upon it; and that to stop their fishery would be to beggar the English merchants and manufacturers. This he explained by entering into the nature of the New-England trade. He further said, it had been asserted, falsely, that the New-England people had refused to pay their debts. It had been said also, truly, that they had no compassion on the English manufacturers. But had their dishonesty been as true as the want of compassion, both might have been natural to those we call rebels; but what ought we to think of a British legislature, disabling the payment of debts, and having no bowels of compassion towards the sufferings of our own innocent constituents.

The question was called for about 12 o'clock, when the members divided; for the motion 261, against it 85.

Adjourned to February 13.

February 13.

Mr. Buller.

Mr. Buller moved, That 2000 additional seamen be employed for the year 1775. He stated the respective services our ships were on; said that the proposed augmentation was necessary to enforce the measures of government in America.

On the other side it was observed, That before Christmas the ministers were told and pressed, * if they meant to adopt coercive measures, not to put a deceit on the country gentlemen, by voting a reduced peace establishment, and fixing the land tax at three shillings in the pound; so they were now reminded not to repeat the same insult, by coming to parliament

* See page 18.

parliament for a grant of 2000 seamen, when they were conscious that three, four times that number, would not be sufficient to effectuate the designs they had in contemplation, without exposing this country to the successful invasion of a foreign enemy. The ministers were called upon to declare, whether this was the last time they meant to apply to parliament, during the course of the present session, or was this mode of procedure intended as a mere mockery of that good faith and confidence, that usually subsisted between the house of commons and the minister, lest, by developing the whole system together, those who now were for giving their assent to measures directly productive of civil war, might proceed with greater caution, when they perceived that any of the most trifling consequences might come home to themselves, and affect, in a remote degree their own interests.

Lord *North* gave no precise explanation; only general assurances that this would be the last application of the kind; said, he could not possibly pretend to foretel every event that might happen; and consequently he could not bind himself by any specific promise or engagement. Lord North.

Governor *Johnstone* observed, that this was a most extraordinary mode of procedure, and that he was at a loss to determine, whether it proceeded most from ignorance or design. He was certain, however, that it gave full scope to gaming in the alley, for stocks had been falling gradually, till they had now come down five per cent. It furnished a happy opportunity to those in the secret to enrich themselves at the public expence. That he did not mean to bring home this charge to any particular person, or set of men; but it was well known it had been frequently practised by the confidential people in office. Gov. Johnstone.

Lord *North* replied, he knew nothing of what had been done by such people, but believed, upon his honour, that none of the present confidential servants in office did game in the funds; for it would be basely betraying the confidence of their prince. Lord North.

Mr. *Cornwall*. He was not guilty of this general charge, and doubted not but that every member of administration was equally clear of it. Mr. Cornwall.

Captain *Walsingham* insisted, that our present naval force was by no means adequate to the execution of our profest intentions; for that the Squadron we designed for America would answer no purpose of stopping their commerce; or if we did send a sufficient one, our own coasts, comparatively speaking, must be left totally defenceless; as he was well informed Capt. Walsingham.

formed, that France alone had 75 men of war of the line now, more than one half of which were manned, and fit for actual service. He then gave an account of a conversation which passed lately between him and a French gentleman, well acquainted with the state of their navy; from which he was fully satisfied that the whole of our force, in every part of the world, would not be sufficient to defend us at home, should we blindly rush into a civil war.

Hon. Temple
Luttrell.

Hon. Temple Luttrell. I rise up under a number of disadvantages, and shall scarce be able to express my sentiments without much agitation and embarrassment, a novice as I am at political disquisitions, and attempting, (from a seat which till this hour I might not call my own) to speak on a subject of such high import, in the presence, and possibly against the opinion of the most experienced statesmen in any country of the universe.—But, Sir, it has been earnestly recommended to me, as well by the electors of the borough of which I have the honour to be a representative, as by several other persons of respectable consideration, that I will exert the utmost of my humble endeavours and faculties, towards the establishing of peace, and conciliating the affections of the American colonies with their parent-state of Great Britain, and to promote the joint happiness of both divisions of this mighty empire, on the firm basis of equity and mutual good offices: and I should hold it an unpardonable omission of duty were I to remain now silent, especially as it was precluded, by the dependence before parliament of a controverted return, from declaring my disposition towards the oppressed colonists, at the opening of the present session, when a speech from the throne of the most inimical tendency to America, and therefore the most alarming and dangerous tendency to the whole British realm, received the thanks of this House. I was under the same preclusion when commerce here stood a dejected suppliant, in just apprehension from the impending storm. Well, Sir, might she be alarmed, to see a pilot at the helm, as the winds and the billows arise, who, rather than part with the guns, throws the merchandize overboard: save them, Sir, he may, by so costly a sacrifice, but not for jubilee or triumph; they shall be saved for signals of distress, and to solemnize the obsequies of your empire.

The merchants were not then to be heard lest their candid story should set in the proper point of view those insidious fragments of official letters laid on your table. What human understanding could cement such a mangled correspondence together, so as to derive any clear accurate knowledge of the real condition or sentiments of the Americans?—Whatsoever might

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might extenuate offences, excuse error, and restore perfect amity between the two countries, did the partial hand of administration wickedly suppress, while in too glaring a light was exhibited every fact that could serve to widen the breach, and inflame the passions, and blow up a faint, luckless spark of animosity to the full combustion and horrors of a civil war!—These misrepresentations however answered the ends proposed, for both Houses were blindly entrap'd to give their sanction to as sanguinary a scroll (in the form of an address) as was ever laid by a prostitute senate at the feet of deluded majesty.—Did not your ancestors, Sir, manfully fight, did not some of them heroically fall, to preserve those constitutional Rights of the subject to every Briton, which you have now by one vote pledged yourself, at the hazard of life and fortune to subvert and to annihilate throughout the better part of the whole British monarchy?

I do not conceive it possible that any man here present can feel as he ought, be conscious of a participation, of the least participation, in the superintendence of the common-wealth, and remain a mere tranquil observer, when so weighty, so interesting a subject comes before you; a subject on the issue of which perhaps his own individual happiness or misery, doubtless the happiness or misery of his nearest posterity, will depend.

With what hebitude, Sir, must the blood circulate through his veins! What must his definition be of an ignominious supineness and apathy!—This is not a debate of slow animation, in which few persons are concerned, and of limited influence; we are now to decide upon the fate of millions through a long series of ages, and the part which every man shall take on this occasion must stamp him with characters indelible through all eternity—a patriot or a parricide.

'Tis, Sir, from the collisions of controversy that those radiant sparks are struck out by which truth lights her sacred torch—nor have I less expectation from those gentlemen who are but just initiated into parliamentary business, than from your veteran politicians “deep on whose front engraven (to use the phrase of Milton) deliberation sits and public care.” Such veterans might indeed be our surest guides, were we now about to agitate questions wrapt up in subdolous Machiavelian mystery, and only to be developed by the acutest abstract reasoning. The present juncture, Sir, requires only a well principled heart, and
a head

a head moderately conversant with the nature of men and things.

It is not, I own, I feel, given to a young member of this august assembly to deliver his ideas with that method, that guarded correctness, that unagitated confidence which long habitude of speaking usually supplies; but will he, Sir, yield with less ductility to the dictates and honest zeal of inward conscience? he comes among you at least with a judgment unbiassed: he has not pledged himself to any partial junto, whose maxims and interests he is at all events to adopt for the measure of his political career: he has not stood forth an accomplice to any of those manifold mischiefs and blunders which have heretofore been committed in the administration of your colonies: he has had no share in enflaming the evil by temporary anodynes; nor has he treated the imperial concerns of that wide-stretched continent as only accessory to, and of trivial account when compared with his own private schemes of ambition and aggrandisement. Upon the whole, Sir, I can but think him rather the more likely to execute the share of such important award committed to his discretion, as becomes an upright delegate of the people at large, heedless whether his conduct therein may quadrate with the narrow, selfish views of this or that set of men who are candidates for titles or power: not but that I have the satisfaction to see here present some characters animated with the true patriotic spirit, who have long and worthily been seated within these walls; on whose eminent talents, on whose approved integrity, America rests her best hope.

Such gentlemen as come within the scope of any of those disadvantageous allusions I have just thrown out, will consider, that a well-timed recession from error claims the next praise to a perfect exemption therefrom: they will no longer endeavour to palliate a dreadful disease, which, if once arrived at a full paroxysm, it will baffle the Esculapian skill of their expertest state-doctors to cope with.

Our present sagacious rulers had, it seems, drawn their political clue in that quarter of the globe to so Gordian a tie, that despairing to revolve by patience and sober wisdom through the several implications their hands had wrought, they took a summary recourse to the edge of the sword. Sir, their sword-law will best agree with the arbitrary principles and system of government applied to almost every department of the state by that flagitious confederacy which hath latently presided over the councils and arcana of the cabinet.

cabinet ever since the accession of our present most gracious sovereign.

I say, Sir, that these occult dictators to the r——l conscience should prefer the sword-law, I am not at all astonished; but that the ostensible adviser, a man of profound judgement, and the clearest penetration; a man whom the most slanderous of his enemies allow to possess the tenderest feelings of social affection, to be even prodigal of the practices as well as professions of humanity, that he, Sir, should with a ruthless composure, adopt and carry into execution their bloody mandates, may well create general consternation and the deepest concern.

It was pronounced by a consummate minister, who once held the reins of government with so much honour to himself, and transcendant glory to the whole empire of Britain, that the Canadian America was conquered in Germany.

It is, it seems, by the German policy of dominion, which our own clan-bred feudists are ever prone to expose, that British America is to be reduced to vassalage: but let the all-potent minions beware, lest while they are bowing the stubborn necks of these colonists to the yoke, they find not their own necks bow to the block of an executioner.

Sir, the far more considerable part of the people of England do now wish us to use temper, moderation, and forbearance towards America. "*Dignos esse qui Romani fiant* (said the illustrious consul to the senate, of certain tributaries in allegiance to the Roman eagles) *eos, qui nihil præterquam de libertate cogitent.*"

Sir, when the two most renowned republics of ancient time had long contended for universal empire, and victory over many a well-fought field had held almost an equal balance, then it was the rigid censor (M. Cato) denounced that memorable judgment, "*Delenda est Carthago.*" Sir, the Carthagenians were the natural rivals of the trade and glory of Rome; they had in cool blood inhumanly put to death one of the most perfect heroes and patriots her annals could boast: in their national character they were perfidious to a proverb; and they early led their children to the altar to lisp assent to solemn adjuration of eternal warfare and vengeance against Rome. In short, Sir, the further existence of these Africans was become quite incompatible with the peace and security of the Roman Commonwealth.

The words *Delenda est Carthago* were, in the reign of our Charles the Second, borrowed by a member of the other House of parliament, the famous Earl of Shaftesbury, in height of passionate resentment against the Hollanders : but, Sir, tho' the Hollanders had to the most substantial injuries added the provoking insult of sailing up to the emporium of your commerce, with brooms at their mast heads ; though they had by many an inveterate combat on the ocean brought your marine power, and consequently our very being as a people, to as desperate a crisis as ever beset Rome during the rage of the Punic wars, yet, Sir, it is a well-known anecdote of that day, there was scarce a peer in the assembly but stood aghast, and shuddered at the unchristian severity of the sentence.

Delenda est Carthago has been applied for the third time : it has, Sir, been recently and publicly applied, by an avowed zealous partizan of the present administration of your government, to our fellow subjects of America, and the news will, I fear, ere long reach your colonies.

I am not master of language sufficient in energy to give the due comment to such an expression : but, Sir, should it be here uttered in sobriety, and calmly listen to, might you not be apt to imagine yourself seated midst the deputies of the Indian tribes, near the interior lakes of that continent ; and sacrificing to the demon of revenge, rather than with the deputies of the free, polished natives of the British isles, in their imperial seat of legislation ?

I can indeed easily conceive, that the gentleman alluded to [Mr. Van] was rather more forward, rather more ingenious, than the chieftains of his cause will thank him for : they hardly could mean, that the final catastrophe of this their tragic plot should be discovered just at the opening of the very first act.

It was a noble sentiment of Fenelon (archbishop of Cambray) that " he loved his friend equal to himself ; his country far better than his friend and himself ; mankind in general beyond all put together.

What that amiable prelate makes Mentor say, on revealing a celestial form to the son of Ulysses, (who had just attained to years of manhood) may afford an allegory to assist the British legislature at some future period, in the safest and sagest conduct towards her colonists. " I have guided you through rocks and quicksands, through the ensanguined battle, and the various calamities incident to the human species : I have taught you, through forcible experience, the good and the bad maxims by which government may be carried

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carried on : 'tis now time that you be fully emancipated. Love your fellow creatures ; endeavour to renew the golden age ; avoid effeminacy, profuseness and ostentation ; let simplicity be your best ornaments ; on virtue and your own just actions rest your chief security ; pure liberty, peace, delightful abundance ; and unfulfilled glory ever attend you !”

I am sensible, Sir, that I have too long withheld the attention of the House from persons of far superior weight and abilities. I shall therefore at a future day hope for the same indulgence that has now been now shewn me, while I urge, that to compell the Americans by a military force to acknowledge the paramount and unbounded authority of parliament, in the taxation of their property, property created by their intellects and industry, is neither just, politic, nor practicable ; a measure totally repugnant to the liberal notions of rectitude which have ever characterized the happy natives of England, and irreconcilable with the spirit of those very rules and institutes, by which the three estates of this realm hold existence.

Mr. *Sawbridge* said, he perceived that administration were Mr. *Sawbridge* hurrying the nation to certain ruin, but he should reserve himself to speak on our present conduct towards America, till a fitter and some more convenient opportunity.

The motion was agreed to without a division.

February 14.

Report from the committee on the Hindon election.

February 15.

Lord North, by his Majesty's command, laid before the House the following letter.

Extract of a Letter from the Earl of Dunmore to the Earl of Dartmouth, dated Williamsburg, December 24, 1774.

MY necessary absence on the occasion of the Indian disturbances, will, I hope, account and excuse me for my not having acknowledged you lordship's several letters in due time and order ; and for not having regularly communicated accounts of the public affairs of the colony, to which some of them refer ; and I wish I were now so fortunate as to have it in my power to make a representation of their appearing with a more favourable aspect, than when I last wrote upon those important concerns.

The associations first, in part, entered into, recommended by the people of this colony, and adopted by what is called the continental congress,

congress, are now enforcing throughout this country, with the greatest rigour. A committee has been chosen in every county, whose business it is to carry the association of the congress into execution; which committee assumes an authority to inspect the books, invoices, and all other secrets of the trade and correspondence of merchants; to watch the conduct of every inhabitant, without distinction; and to send for all such as come under their suspicion, into their presence, to interrogate them respecting all matters which, at their pleasure, they think fit objects of their inquiry; and to stigmatise, as they term it, such as they find transgressing, what they are now hardy enough to call the laws of the congress; which stigmatizing, is no other than inviting the vengeance of an outrageous and lawless mob, to be exercised upon the unhappy victims. Every county besides, is now arming a company of men, whom they call an independent company, for the avowed purpose of protecting their committees, and to be employed against government, if occasion require. The committee of one county has proceeded so far, as to swear the men of their independent company to execute all orders which shall be given them from the committee of their county.

As to the power of government which your lordship, in your letter No. 11, directs should be exerted to counteract the dangerous measures pursuing here, I can assure your lordship, that it is entirely disregarded, if not wholly overturned. There is not a justice of peace in Virginia that acts, except as a committee man; the abolishing the courts of justice was the first step taken in which the men of fortune and pre-eminence joined equally with the lowest and meanest. The general court of judicature of the colony is much in the same predicament; for though there are at least a majority of his Majesty's council who, with myself, are the judges of that court, that would steadily perform their duty, yet the lawyers have absolutely refused to attend, nor indeed would the people allow them to attend, or evidences to appear. The reason commonly assigned for this proceeding is, the want of a fee-bill, which expired at the last session of the assembly; and it is a popular argument here, that no power but the legislature can establish fees; and the fee-bill not having been renewed, is attributed to the dissolution: but the true cause of so many persons joining in so opprobrious a measure, was to engage their English creditors, who are numerous, to join in the clamours of this country; and not a few to avoid paying the debts in which many of the principal people here are much involved.

With regard to the encouraging of those, as your lordship likewise exhorts me, who appeared, in principle, averse to these proceedings, I hope your lordship will do me the justice to believe, I have left no means in my power unessayed to draw all the assistance possible from them to his Majesty's government, but I presume your lordship will not

not think it very extraordinary, that my persuasions should have been unavailing against the terrors which, on the other hand, are held out by the committees.

Independent companies, &c. so universally supported, who have set themselves up superior to all other authority, under the auspices of their congress, the laws of which they talk of in a stile of respect, and treat with marks of reverence, which they never bestowed on their legal government, or the laws proceeding from it, I can assure your lordship, that I have discovered no instance where the interposition of government, in the feeble state to which it is reduced, could serve any other purpose than to suffer the disgrace of a disappointment, and thereby afford matter of great exultation to its enemies, and increase their influence over the minds of the people.

But, my lord, every step which has been taken by these infatuated people must inevitably defeat its own purpose. Their non-importation, non-exportation, &c. cannot fail, in a short time, to produce a scarcity, which will ruin thousands of families: the people, indeed, of fortune supply themselves and their negroes for two or three years, but the middling and poorer sort, who live from hand to mouth, have not the means of doing so, and the produce of their lands will not purchase those necessaries (without which themselves and negroes starve) of the merchants who may have goods to dispose of, because the merchants are prevented from turning such produce to any account. As to manufacturing for themselves, the people of Virginia are very far from being naturally industrious; and it is not by taking away the principal, if not the only encouragement to industry, that it can be excited; nor is it in times of anarchy and confusion that the foundation of such improvements can be laid. The lower class of people too will discover, that they have been duped by the richer sort, who, for their part, elude the whole effects of the association by which their poor neighbours perish. What then is to deter those from taking the shortest mode of supplying themselves? and, unrestrained as they are by laws, from taking whatever they want from wherever they can find it?

The arbitrary proceedings of these committees, likewise, cannot fail of producing quarrels and dissentions, which will raise partisans of government; and, I am firmly persuaded, that the colony, even by their own acts and deeds, must be brought to see the necessity of depending on its mother country, and of embracing its authority.*

C c 2

Lord

* *The following papers have not yet been laid before Parliament.*

At a meeting of the Officers under the command of his excellency the Right Honorable the earl of Dunmore, convened at Fort Gower, Nov. 5, 1774. for the purpose of considering the grievances of British America.

Resolved

The House in committee.

Lord Barrington.

Lord Barrington moved, That a sum, not exceeding 67,706l. 7s. 1d. be granted for the service of the year 1775, to enable his Majesty to augment his land forces with 4,383 men, officers and non-commissioned officers included. His lordship introduced his motion with explaining the several military arrangements; with stating the force to be kept at Boston,

Resolved, That we will bear the most faithful allegiance to his Majesty King George the Third, whilst his Majesty delights to reign over a brave and free people; that we will, at the expence of life, and every thing dear and valuable, exert ourselves in support of the honour of his crown, and the dignity of the British Empire. But, as the love of liberty, and attachments to the real interests and just rights of America, outweigh every other consideration, we resolve that we will exert every power within us for the defence of American liberty, and for the support of her just rights and privileges; not in any precipitate, riotous, or tumultuous manner, but when regularly called forth by the unanimous voice of our countrymen.

Signed by Order, and in behalf of the whole Corps,

BENJAMIN ASHBY, Clerk.

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ANNAPOLIS, Maryland, December 14.

At a Meeting of the Deputies appointed by the several Counties of the Province of Maryland, at the city of Annapolis, by adjournment, on the 8th day of December, 1774, and continued till the 12th day of the same month, Were present

For St. MARY's County. John Allen Thomas, Jeremiah Jordan, Richard Barnes, John De Butts.

CHARLES County. John Dent, Daniel Jenifer, Thomas Stone.

CALVERT County. John Weems, Alexander Somerville, Richard Parran, Edward Reynolds, Benjamin Mackall, 4th.

PRINCE GEORGE's County. William Bowie, Robert Tyler, Edw. Sprigg, John Rogers, David Crauford, John Beall, Osborn Sprigg, Walter Bowie.

FREDERICK County. Charles Beatty, Jacob Funk, Henry Griffith, Thomas Price, Richard Brooke, Joseph Chapline, Upton Sheredine, Tho. Sprigg Wootton.

ANNE ARUNDEL County, and City of ANNAPOLIS,

John Hall, Thomas Johnson, Samuel Chase, William Paca, Matthias Hammond, Charles Carroll, barrister; Charles Carroll, of Carrolton; Brice T. B. Worthington, Tho. Dorsey, John Weems.

BALTIMORE County. John Moale, Thomas Cockey Deye, Walter Tolley, Benjamin Nicholson, William Buchanan, John Boyd, Samuel Worthington, Charles Ridgely.

HARFORD County. Thomas Bond, John Love, Josias Carville Hall, John Paca, Aquila Paca, Francis Holland, Aquila Hall, Amos Garret, Richard Dallam.

CÆCIL County. John Veazy, Joseph Gilpin.

KENT County. Tho. Ringgold, Joseph Earle,

QUEEN-ANNE's County. Jam. Hollyday, Jn. Brown, Thomas Wright, Turbutt Wright.

CAROLINE County. Henry Dickenson, Benedict Brice, William Molleson, Joshua Clarke.

TALBOT County. Edward Lloyd.

DORCHESTER County. John Dickenson, Thomas Eanalls, Matthew Brown, Josiah Richardson, Zachariah Campbell.

SOMERSET County. Peter Waters, George Dashiell, Sam. Willson, Josiah Pork, Henry Waggaman, John Winder, Luther Martin.

WORCESTER County. Peter Chaille, William Purnell, Samuel Handy, Smith Bishop, Nehemiah Holland,

JOHN

ton, which he said would be about 10,000 men, and with giving general assurances, that no more troops would be wanted to enforce the execution of the laws: and added, that part of the additional expence would be incurred by the appointment of some additional officers to each regiment.

Colo-

JOHN HALL in the Chair.

JOHN DUCKETT, Clerk.

THE proceedings of the continental congress were read, considered, and unanimously approved. Resolved, That every member of this convention will, and every person in the province ought, strictly and inviolably to observe and carry into execution the association agreed on by the said continental congress.

On motion, unanimously resolved, That the thanks of this convention be given, by the chairman, to the gentlemen who represented this province as deputies in the late continental congress, for their faithful discharge of that important trust: and the same was done accordingly.

To encrease our flocks of sheep, and thereby promote the woollen manufacture in this province, Resolved, That no person ought to kill any lamb, dropt before the first day of May yearly, or other sheep, after the first day of January next, under four years of age.

To increase the manufacture of linen and cotton, Resolved, That every planter and farmer ought to raise as much flax, hemp, and cotton, as he conveniently can; and the cultivation thereof is particularly recommended to such inhabitants of this province, whose lands are best adapted to that purpose.—And resolved, That no flax-seed, of the growth of the present year, ought to be purchased for exportation after the twelfth day of this month.

It being represented to this convention, that many merchants and traders of this province, from a scarcity of cash to make their remittances, and other causes, had sold their goods, within twelve months next before the twentieth day of October last, at, and sometimes even below, the prime cost; and that, in many different parts of this province, merchants had vended their goods at a very different advance on the prime cost; and it appearing to this convention to be unjust, to compel such merchants to sell their goods at prime cost, and that one general rule, allowing a reasonable profit to the trader, and preventing him from taking advantage of the scarcity of goods which may be occasioned by the non-importation, would give great satisfaction to the merchants and people of this province,—Resolved unanimously, That no merchant ought to sell his goods, at wholesale, for more than 112 one half per cent.—at retail, for cash, for more than 130 per cent.—on credit, for more than 150 per cent advance on the prime cost; and that no merchant, or other person, ought to engross any goods, wares, or merchandize whatsoever.—And in case any question should arise, respecting the prime cost of goods, every merchant or factor, possessing or owning such goods, ought to ascertain the same on oath, if requested to do it by the committee.

As a further regulation, to enforce an observance of the late continental association,—Resolved unanimously, That in all cases, where breaches of the continental association, or the resolves of this convention, shall happen and be declared such by any committee of

Col. Barré. Colonel *Barré* said, such appointment was putting the nation to an unnecessary expence, as it was to no manner of purpose.

Lord Barrington. Lord *Barrington* replied, This appointment would take place only in such regiments as were on actual service, and as the operations against the Americans were intended to be carried on by detachments, an additional number of officers would consequently be wanting.

Col. Barré. Colonel *Barré* agreed to this reasoning, if that was the mode meant to be adopted, in case of hostilities.

Mr. Cox. Mr. *Cox* was strong against the resolution, and severe against the authors of so weak, cruel, and unnatural a measure; but said, he would not divide the House, as he must know before hand what would be the event.

Right

of a county, no gentleman of the law ought to bring or prosecute any suit whatever for such offence. And, if any factor shall commit any breach of the said association or resolves, that no gentleman of the law, ought to bring or prosecute any suit, for any debt due to the store of which the said factor has the management, after notice as aforesaid.

Resolved, That it is earnestly recommended, by this convention to the people of this province, that the determinations of the several county committees be observed and acquiesced in: That no persons, except members of the committees, undertake to meddle with, or determine any question, respecting the construction of the association, entered into by the continental congress: and that peace and good order be inviolably maintained throughout this province.

Resolved unanimously, That if the late acts of parliament, relative to the Massachusetts-Bay, shall be attempted to be carried into execution, by force in that colony, or, if the assumed power of parliament to tax the colonies shall be attempted to be carried into execution by force, in that or any other colony, that, in such case, this province will support such colony to the utmost of their power.

Resolved unanimously, That a well regulated militia, composed of the gentlemen, freeholders, and other freemen, is the natural strength and only stable security of a free government, and that such militia will relieve our mother country from any expence in our protection and defence; will obviate the pretence of a necessity for taxing us on that account, and render it unnecessary to keep any standing army (ever dangerous to liberty) in this province. And therefore it is recommended to such of the said inhabitants of this province, as are from sixteen to fifty years of age, to form themselves into companies of sixty-eight men; to chuse a captain, two lieutenants, an ensign, four serjeants, four corporals, and one drummer, for each company; and use their utmost endeavours to make themselves masters of the military exercise. That each man be provided with a good firelock and bayonet fitted thereon, half a pound of powder, two pounds of lead, and a cartouch-box, or powder-horn and bag for ball, and be in readiness to act on any emergency.

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Right Hon. *T. Townshend* insisted, that nearly half the number of men, and all the officers now wanted, might be taken from the half-pay and Chelsea out-pension lists, without putting the nation to the heavy expence now proposed. He said, that there were 16,000 out-pensioners, many of whom were fit for actual service; and if they were not, they were at least fit to supply the places of the drafts that might be sent to complete the regiments now at Boston; that many of them were young men; and, on the whole, contended that the greatest part of the expence now proposed might be saved, as the difference of pay between the pensioners and those doing duty was not above a penny a day.

Rt. Hon.
T. Townshend.

Colo-

Resolved unanimously, That it is recommended to the committees of each county to raise by subscription, or in such other voluntary manner as they may think proper, and will be most agreeable to their respective counties, such sums of money as, with any monies already raised, will amount to the following sums in the respective counties, to-wit:

	£.		£.
In St. Mary's county	600	Worcester	533
Charles	800	Somerset	533
Calvert	366	Dorchester	480
Prince George's	833	Caroline	353
Anne-Arundel	866	Talbot	400
Frederick	1333	Queen-Anne's	533
Baltimore	933	Kent	566
Harford	466	Cæcil	400
			£. 10,000

And that the committees of the respective counties, lay out the same, in the purchase of arms and ammunition for the use of such county, to be secured and kept in proper and convenient places, under the direction of the said committees.

Resolved unanimously, That it will be necessary that a provincial meeting of deputies, chosen by the several counties of this province, should be held in the city of Annapolis, on Monday the 24th day of April next, unless American grievances be redressed before that time; and therefore, we recommend that the several counties of this province chuse deputies, as soon as conveniently may be, to attend such meeting. And the committee of correspondence for this province, are empowered to call a meeting of the said deputies, before the said 24th day of April, if they shall esteem it necessary.

Resolved unanimously, That contributions from the several counties of this province, for supplying the necessities, and alleviating the distresses of our brethren at Boston, ought to be continued in such manner, and so long, as their occasions may require; and that it is the duty of the committees of each county, to collect and transmit the same as soon as possible.

Resolved unanimously, that the Honorable Matthew Tilghman, and John Hall, Samuel Chase, Thomas Johnson, junior, Charles Carroll, of Carrollton, Charles Carroll, barrister, and William Paca, Esqrs; or any three or more of them, be a committee of correspondence for this province.

Resolved.

Col. Barré. Colonel *Barré* reminded lord North of what had fallen from him on a former occasion, that we should want no new levies for enforcing measures against Boston, as with the regiments from Ireland, and the troops quartered in America, the force would be fully sufficient.

Lord North. Lord *North* replied, that he did not recollect any such expression; that it must be a mistake, as the paper he now held in his hand, was the same he spoke from, when he was supposed to make use of the words now alluded to by the honourable gentleman; it must therefore have been a great mistake to say that the troops already in other parts of America were intended to be sent to Boston, when the proposition now laid before the committee was actually determined on.

The question being put, the House divided, ayes 91, noes 15.

February 16.

Report from the committee of yesterday.

Mr. Hartley. Mr. *Hartley* observed, that as we had hitherto proceeded totally in the dark, and as we had determined on measures without

Resolved unanimously, That the Honorable Matthew Tilghman, and Thomas Johnson junior, Robert Goldsborough, William Paca, Samuel Chase, John Hall, and Thomas Stone, Esqrs; or any three or more of them, be delegates to represent this province in the next continental congress, and that they, or any three or more of them, have full and ample power to consent and agree to all measures, which such congress shall deem necessary and effectual to obtain a redress of American grievances; and this province bind themselves to execute, to the utmost of their power, all resolutions which the said congress may adopt. And further, if the said congress shall think necessary to adjourn, we do authorize our said delegates to represent and act for this province, in any one congress to be held by virtue of such adjournment.

Resolved unanimously, That it is recommended to the several colonies and provinces, to enter into such or the like resolutions, for mutual defence and protection, as are entered into by this province.

As our opposition to the settled plan of the British Administration to enslave America, will be strengthened by an union of all ranks of men in this province, we do most earnestly recommend, that all former differences about religion or politics, and all private animosities and quarrels of every kind, from henceforth cease and be for ever buried in oblivion; and we intreat, we conjure every man, by his duty to God, his country, and his posterity, cordially to unite in defence of our common rights and liberties.

Ordered, That copies of these resolutions be transmitted by the committee of correspondence for this province, to the committees of correspondence for the several colonies, and be also published in the Maryland gazette.

By Order,

JOHN DUCKETT, Clerk.

without any sufficient previous information, so we were resolved to continue to proceed in the same blind blundering manner. We first agree to go to war, without enquiring into the motives that should induce us to take so momentous a step, and then consent to employ a certain number of forces, without being acquainted with the particular services for which they are destined. He should, he said, be therefore glad to know, from the noble lord who moved it in the committee, and who informed the House that this cruel and unnatural war was to be carried on by detachments, the mode in which those detachments were to be collected in the first instance, and likewise where they were to be stationed.

Lord *Barrington* replied, that it was impossible to answer the honourable gentleman's question precisely, as the operations of war must be governed solely by the circumstances, which could not at present be foreseen or pointed out.

Sir *George Savile* spoke much against the power vested in the commander in chief; and in the course of his observations made some very severe and pointed strictures on the Quebec Bill.

Lord *Beauchamp* replied shortly to Sir *George Savile*, and warmly defended the justice and policy of the Quebec bill.

Lord *North* gave notice, that he would next day, present the bill for restraining the five New England provinces from fishing on the banks of Newfoundland; and for prohibiting the American colonies from trading, or carrying on any commerce but with Great Britain, Ireland, and the West-India Islands.

February 17.

Lord *North* presented the bill abovementioned; it was entitled, a bill to restrain the trade and commerce of the province of Massachusetts Bay and New Hampshire, and colony of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a limited time; which was read.

Mr. *Sawbridge* condemned the bill in the most reproachful terms; and said, he should never give his consent to its being read a second time, as he thought it a most infamous bill throughout, as well in principle as every object it had in view.

Mr. *Johnstone* was also severe upon it. He said he heartily disliked it, and would oppose it in every stage of its progress.

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Lord North. *Lord North* moved that the bill be read a second time on the 23d.

Lord George Cavendish. *Lord George Cavendish* observed, that the 23d was an improper day, *Hindon* report being to be taken into consideration on that day; he thought it better therefore to have it postponed.

Lord North. *Lord North* replied, that any inconvenience of that kind would be easily removed.
Adjourned to the 20th.

February 20.

Extract of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth.

[Received this Day.]

Boston, January 18, 1775.

My LORD.

IT was thought impossible that the phrenzy which had seized the people could be of very long duration, unless constantly supported by new events; and there were hopes if tranquility could be for a time preserved, that people would have leisure for reflection and think seriously of their danger, though the leaders have taken pains to assure them that Great Britain would be deterred from pursuing her measures, through their resolute opposition to them, and the resolves of the continental congress. I find by accounts from several parts of the country, that those hopes were not without foundation, that the people's minds are greatly cooled, and many begin to want courts of justice, and that the friends of government have shewed themselves openly in many places. I conceive the press, which has been more open to government than usual, to have been of very great use, through which channel the conduct of the leaders has been laid open, and the absurdity of the resolves of the continental congress exposed in a masterly manner, which has served to lower that impression of high importance, which the congress had made upon people's minds.

I hoped to have procured an association of many considerable people in this town, but find them more shy of making open declarations, notwithstanding they are protected, than people are in the country where they depend only on themselves and their friends for security. They give for excuse, that they must first know the resolutions from home on all that has passed in this country, and that it's time to declare when they are assured that the mother country will not relax, but resolve to pursue her measures. If they begin to associate in the town, it's likely they will also fall on means to pay for the tea, for as they are

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are mostly traders it would be very advantageous for them to have the port opened, in the present conjuncture of their commercial affairs.

We hear from New Hampshire, that the people who were concerned in the rash action against Fort William and Mary in that province, are terrified at what they have done, and only anxious to obtain pardon for their offence.

The House in committee on American affairs.

Sir Charles Whitworth in the Chair.

Lord North. Sir, as I mean to offer to consideration some propositions which may be the ground of a resolution in this committee, and which I conceive to be founded on the address which the House presented to his Majesty; I desire that the address may be read.

[Address read.]

His lordship remarked, that the address, both as it was proposed, and in the sense in which it was understood when agreed to, meant to hold out to the Americans, that on the matter of taxation, although the parliament of Great Britain could never give up the rights, although it must always maintain the doctrine that every part of the empire must be bound to bear its share of service and burthen in the common defence; yet as to the matter of that right, and with respect to the mode of the contribution, if the end could be obtained, and if the Americans would propose any means and give assurance of the prosecution of those means by which they should contribute their share to the common defence—he had said, he did not apprehend parliament would hesitate a moment to suspend the exercise of that right; but would concede to the Americans, raising their share of the contribution by themselves. This was the direct and avowed sense, in which the resolution for the address was moved. I publicly said his lordship gave my opinion, and very explicitly said, that if the Americans would propose to parliament, any mode by which they would engage themselves to raise, in their own way, and by their own grants, their share of contribution to their common defence, the quarrel on the subject of taxation was at an end.

As nearly as I can recollect, these were my very words, but these Sir, were the words only of a private member of parliament—they were but opinion given in debate. The words contained in the address seem to many gentlemen to require this comment, this explanation, by parliament itself,

in some clear, explicit and definitive opinion. That if the promise of indulgence on this point of taxation means really to hold out the grounds of peace, we ought to explain on what terms we will accede to it; and what the propositions are, which we are willing to accept. To be explicit then as to my own opinion, I must say, that if the dispute in which the Americans have engaged goes to the whole of our authority, we can enter into no negociation, we can meet no compromise. If it be only as to the suspension of the exercise of our right, or as to the mode of laying and raising taxes for a contribution towards the common defence, he thought it would be just, it would be wise to meet any fair proposition, which may come in an authentic way from any province or colony: and on this ground it was, that he would propose to the committee the resolution which he then read; as follows.

That it is the opinion of this committee, that when the governor, council, and assembly, or general court of his Majesty's provinces, or colonies, shall propose to make provision according to their respective conditions, circumstances, and situations, for contributing their proportion to the common defence; such proportion to be raised under the authorities of the general court, or general assembly of such province or colony, and disposable by parliament; and shall engage to make provision also for the support of the civil government, and the administration of justice in such province or colony, it will be proper, if such proposal shall be approved by his Majesty in parliament, and for so long as such provision shall be made accordingly, to forbear in respect of such province or colony, to levy any duties, tax, or assessment, or to impose any further duty, tax, or assessment, except only such duties as it may be expedient to impose for the regulation of commerce; the nett produce of the duties last mentioned, to be carried to the account of such province, colony, or plantation respectively.

This resolution, he added, marked the ground on which negociation might take place.—It was explicit, and defined the terms, and specified the persons from whom the proposals must come, and to whom they must be made. It pointed out the end and purpose for which the contributions are to be given, and *the persons from whom the grant of them is to originate*. It takes away every ground of suspicion as to the appropriation of the revenue when raised, to purposes for which the Americans never would grant it.—And from the nature of it is seen, that it must be conclusive so long as the Americans

icans observe the agreement. But many objections from various quarters, and on different grounds, will be made to it. If there be any persons who think we ought to make no advances towards accommodation, because they understand such to be concessions which we ought not to make—If there are any who may think the terms which this resolution holds out are disadvantageous, I would not wish them to agree to it. But they will give me leave (who think, that even were we to impose terms in the hour of victory itself, this proposition would be a good, would be a just one) to propose it now, before any blood is shed.—Some gentlemen may ask the question—will you treat with rebels?—I am not treating with rebels—It has never been yet said, that all the Americans are rebels, or that all the colonies are in rebellion—It cannot, I hope, be said. There is certainly in the province of Massachusetts a rebellion—But Sir, could I open a door even to rebels to return to their duty, I should be happy. The specific rebellion of the Massachusetts is, that the people of the province reject and oppose with force of arms, the government, as established by the King and parliament. The moment that they acknowledge that government, and meet in assembly to act under it, the rebellion is at an end. The propositions contained in the resolution, form an express declaration, and not begin a negociation.

Others perhaps will say, it is proper that parliament should bind itself—I answer, that whenever parliament confirms an agreement, it always does bind itself.

Others will look to the effect; and ask what consequences do you expect from this?—Will you in the mean time suspend your operations of force?—Certainly not. The putting ourselves off our guard, is certainly not the way to treat on safe grounds or with effect. The ground, he observed, on which we stood at present, is in all human probability such as will enable us to enforce, what we have a right to demand—and is therefore the most likely to claim attention, and to produce that effect by peace, which we are otherwise in a situation to procure by force of arms. Whether the Americans will accede to this or not, must depend on various circumstances that cannot be foreseen. If their outward pretensions be the real principles of the opposition which they have made, they must, consistent with those principles, agree to this proposition. If they do not meet us on this ground, it will evince that they have other views, and are actuated by other motives. It will have been wise, it will have been just, it will have been humane

humane, that we have held out the terms of peace— If they reject it, their blood must be upon their own hearts— but I have better hopes. There are people, and I hope whole colonies, that wish for peace; and by these means, I hope they will find their way to it.

Gov. Pownall.

Governor Pownall. Sir, When in the last session of the last parliament, I marked to the house that the circumstances of the American affairs were brought to a crisis, and that *that* crisis was actually in event, wherein all opinion as to the modes of policy must be useless and at an end, and that your future deliberation would be only employed on measures of force, I took my leave of debate on this subject; I had imposed on myself a determined silence, and since I have had the honour of a seat in this parliament, have adhered invariably to that resolution.

I have been always an advocate for the colonies, and the British subjects in America. I have always defended their rights, where I thought any infraction was made on them. Where they have got into disputes on points where I could not think they were right, I have endeavoured to excuse or extenuate their fault: where I could not do that, I have yet at all times endeavoured to alleviate the resentment which may have been raised in this country against them—It would not therefore be suitable to the conduct which I have held, nor could I feel it proper for me to become their accuser and their persecutor, as some governors have done; much less could I ever bring myself to calumniate them.

I had early opportunity of seeing the commencement of this business. I was at the congress held at Albany in the year 1754. I had the means of then knowing the real opinions of some of the first men of business and ability in that country. I saw that a crisis of this nature was then taking its rise. I have in the course of my employment in that country seen the progressive advance of it: the whole scope therefore of my conduct whilst I was employed, and of every opinion which I have given, whenever I have been listened to, has been to advise such *modes of policy*, as might prevent matters coming to the point at which they are now arrived: but when I saw that such advice neither in this country nor in America was listened to—that matters were actually come to *force*, and all modes of policy ceased to have effect, and were at an end, I would not become an adviser of *measures of force*, nor ever have been advised with in them. Yet taking up the matter on the ground whereon it now stands, with-

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out consideration of that influence either of persons or things that have caused this effect; without looking into the conduct of various sets of men, and various ministers, with whom I never had any connection, and with whom I never shall form any; having stood and being determined to remain unconnected with all parties; speaking my own private sentiments, looking to things and not to men, I act from my own principles. On this ground having by my publications pledged myself to the public, I wish to be tried and judged by those principles, and I challenge any one to say, that I have ever varied either in my principles or in my conduct. Taking then the matter on the ground whereon it now stands; when I see that the Americans are actually resisting that government which is derived from the crown, and by the authority of parliament; when I see them opposing rights which they always acknowledged, and for asserting which, I could produce the the best authority (I mean their own authority, as expressed by one of their ablest agents) when I see them arming and arraying themselves, and carrying this opposition into force by arms; seeing the question brought to an issue, not on a point of right but a trial of power; I cannot but say, that it is become necessary that this country should arm also. It is become necessary, that this government should oppose its force to force; when that force is to be employed only in maintaining the laws and constitution of the empire. These, Sir, are my reasons for acquiescing (though I have neither advised, nor been advised with) in measures of force. The Americans themselves have rendered them *necessary*: but, Sir, another reason which has weighed with me, as to the *mode* of those measures, is, that it is founded in precedents, the authority of which I am sure gentlemen that may at present disapprove them, will not reject. I refer myself to the parliament that sat after the execution of Charles the First, when the government was formed into a republic; a parliament that perfectly understood the distinction between that resistance which is justifiable, and that which is rebellion. The colonies affecting to be the subjects of the King only, and not subordinate to the state, revolted from the government of the state, denied the authority of parliament, and set up a government of their own, independent of that state and parliament. The case is not very different from what has been affected to be stated in the present situation of things—see then what was the method taken by that parliament: they made a law totally to prohibit from trade Virginia, Barbadoes, and

and the rest of the colonies which were under that revolt; and as it is a precedent which has weighed with me for acquiescing in the proposition of bringing in a bill to restrain the colonies of New England from trade, other than to England, and from fishing, until they acknowledged the authority of parliament; and as it contains not only a prohibitory, but a declaratory law of the right of parliament, I will beg leave to read it:* but although I have acquiesced in those measures, my eye has always looked to peace, nor have my endeavours ever ceased to labour for it, and I seize this first moment, in which I cannot but hope I see some dawn of peace, to speak to it for this once more. At present matters are come to the last

* The law he referred to is in Scobell's acts and ordinances, 1650, cap. 28. Whereas in Virginia, and in the islands of Barbadoes, Antigua, St. Christopher's, Mevias, Montserrat, Bermudas, and divers other islands and places in America, there hath been and are colonies and plantations, which were planted at the cost, and settled by the people, and by authority of this nation, which are and ought to be subordinate to, and dependent upon England; and hath ever since the planting thereof been, and ought to be, subject to such laws, orders, and regulations, as are, and shall be made by the parliament of England: and whereas divers acts of rebellion have been committed by many persons inhabiting in Barbadoes, Antigua, Bermudas and Virginia, whereby they have most traiterously, by force and subtilty, usurped a power of government, and seized the estates of many well affected persons into their hands, and banished others, and have set up themselves in opposition to, and distinct from this state and common wealth; many of their chief actors in, and promoters of these rebellions, having been transported and carried over to the said plantations in foreign ships, without leave, licence, or consent of the parliament of England; the parliament of England taking the premises into consideration, and finding themselves obliged to use all speedy, lawful, and just means, for the suppression of the said rebellion in the said plantations, and reducing the same to fidelity and due obedience, so as all peaceable and well-affected people, who have been robbed, spoiled, imprisoned, or banished, through the said treasonable practices, may be restored to the freedom of their persons, and possession of their own lands and goods, and due punishment inflicted on the said delinquents, do declare all and every the said persons in Barbadoes, Antigua, Bermudas, and Virginia, that have contrived, abetted, aided, or assisted those horrid rebellions, or have since willingly joined with them, to be notorious

last extremity—this country and America are in the situation of open and declared war; they are on the very point of striking the blow which must be the beginning of shedding of blood. When two independent nations are in that situation, they, generally, amidst their friends and allies can find some common mediator, that may at least bring them to some terms of conference, some mode of explanation, that may avert the war that is ready to commence; but where can that mediator be found that can stand forward between the subjects and the government of a country. Who can have sufficient authority to interpose in such a case, to prevent the fatal consequences? If the country gentlemen, the landed staple interest of this country, that have never taken any share in this business, as a party, will not on this occasion stand forth, there can be no such mediator. They alone are in that predicament which will enable them (and it becomes their actual duty) to stand forth on this occasion. It is their interest also, as well as their duty; for it is their interest that is principally at stake—and I do feel myself, I own, extremely happy, to see that the noble lord who has laid the proposition on your table, although as a minister it is his duty to support the authority of this country, and carry on such measures as his Majesty, by the advice of parliament has thought fit to adopt; yet, Sir, I do think it is humane, it is nobly spirited in him, as a private member of parliament, as one of that candid body, which will, I hope, join him to stand forth as the mediator upon this occasion, holding out such terms as may prevent a people from being driven to desperation; and may open a door to reconciliation, upon such terms as shall establish the authority of this country, and give security to the rights and liberty of America. And I own, I feel extremely happy to find that they are such terms as a wise and honest man might offer, even if the success of war had put into your hands the right of enforcing every thing that you claim; for even if we go to war, this business must finally end in negotiation; and I wish the committee would attend to what I am going to say, (for

our robbers and traitors, and such as by the law of nations are not to be permitted any manner of commerce or traffic with any people whatsoever; and do forbid to all manner of persons, foreigners and others, all manner of commerce, traffic, and correspondence whatsoever, to be used or held with the said rebels in the Barbadoes, Bermudas, Virginia, and Antigua, or either of them.

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I know it to be true) that the country of *America must, for the future, be governed under regulations and forms, and a constitution that must be settled by compact.* The relation between the two countries, must, in its future process, stand upon the compact; or this country must hold its dominion in the colonies *by the tenure of a war*, that will cost more than they are worth, and finally ruin both. In whatever instance you come to regulate their trade, you will always find yourself involved in disputes, and must have a never failing source of quarrel between this country and that, until the regulations and restrictions under which the whole of the American trade is to be carried on for the future, are settled by compact. If you mean to have peace for the future, this must be done. If you mean to retain that superintending controuling power of government which you have over the colonies, so as that it may act with effect, and yet retain them as subjects administered under government, and not subjected by force of arms, even their constitutions must for the future be settled by compact; their charters, which the King grants them, are not and cannot be considered as such compact; for if it was the King making terms with any parts of his dominions, might dismember the empire, and set all the various parts of it together at variance and in war. Such compact therefore temporary as it must be in its nature, must be under the superintension and supreme controul of parliament. Parliament must necessarily have a right to interfere, and I think should so far interfere, as to examine, to settle, and to give the several colonies *once for all*, such a constitution as is fit for such independent communities within the empire; by settling with them, and for them, such articles, terms and conditions as may be confirmed by act of parliament, in like manner as was done in the union of the two parts of the present kingdom, which articles when once confirmed by parliament, cannot, according to the law of nations, of justice and policy, be altered without the consent of the parties; until the colonies, holding their governments under the terms of dependency on the empire, shall break those conditions, or endeavour to emancipate themselves from them.

On the point of taxation this resolution goes to every thing that can or ought to be proposed; and is, if rightly understood, and accepted as it ought to be, a fair and preliminary that must lead to peace. Although those spirits in America which are irritated, and in their resentments bent to men rather than things, may be indisposed to receive the terms whatever, and willing to hazard all, rather than the

with men against whom those resentments are raised; and although those that take up this matter here, only as a measure of opposition, may endeavour to ridicule and obstruct every good effect which it might have; yet those men of weight and property, both here and in America, who have a real interest at stake, and not pledged to any party, but act from principle, must and will see, that the line of this proposition will lead finally to such settlement, in which alone their interest can be effectually secured, and the safety of both countries be firmly and permanently established.

If the committee will indulge me with their further patience for a moment, I will proceed to make one or two very short remarks on the tenor of the resolution itself. The resolution says, and says properly, that no proposition can be received by this country, but what comes from the general court or assembly of the respective provinces—that is the only authority, most undoubtedly, that this country can acknowledge and treat with—that is the only body that can have any authentic power to make any propositions; and although I know that those propositions cannot be any way regularly communicated to any congress or meeting of all the provinces; that no propositions coming from any such congress or meeting, could have authority to pledge or engage the provinces in any propositions that may be made—yet as I do apprehend that no general court, or assembly of any province, will listen to any matter that shall be proposed to them on this subject, or make any proposition hereupon; but as they take the tone from the opinion of that general congress which they have of late accustomed themselves to meet in, I should hope that some how or other the propositions of this resolution may find their way to such congress, so as to become a matter of their attention.

The next observation which I shall make is, that by the terms of this resolution, whatever contributions are agreed and settled as to be raised by the colonies, are to be raised *under the appropriation of the common defence*. This condition, Sir, is wisely grounded and decided—for it will remove every idea of appropriating it to a matter which the colonies most fear—it will avoid every suspicion of a misapplication to purposes for which it never was meant to be raised.

An honourable gentleman* in a late debate, though he took up the idea in opposition, certainly was the first and the only

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* Mr. Charles Fox.

one in that line of debate who hit upon the real jet of the dispute between this country and America. He very ably stated that the reason why the colonies objected to the laying taxes for the purpose of a revenue in America, was that such revenue in the hands of government took out of the hands of the people that were to be governed, that controul which every Englishman thinks he ought to have over that government to which his rights and interests are intrusted. The mode of appropriation specified in this resolution takes away even the ground of that opposition—for although parliament is to have the disposal and expenditure of this revenue, yet as the settlement proposes that the colonies shall, by a particular revenue, make provision for the establishment of their own government, and specifies that the general revenue which shall be raised is for the common defence,—no part of this money so raised can be applied by parliament so as to destroy that controul which they so much contend for. The misapplication of that $4\frac{1}{2}$ per cent, which was raised for the public service and common defence, to purposes totally foreign and alien to that end, has ever left in the minds of the colonists a suspicion which has stood in the way of all propositions made for raising any general revenue: but this resolution totally removes every ground of such suspicion, and leads to matters worthy of the attention of those who may have the carrying it into execution.

Upon these grounds it is, Sir, that although the propositions contained in this resolution may not come into direct negotiation; and although they do not contain all that I do suppose negotiation will lead to, yet containing all that 'tis possible could be proposed in the present state of the business, I do believe that they will finally open the way to reconciliation and peace, and as such I have given my support, and do give my most hearty consent to them.

Mr. Fox.

Mr. Charles Fox. I congratulate my friends, and I congratulate the public, upon the motion which the noble lord has now produced. He, who has been hitherto all violence and war, is now treading back his steps to peace. I congratulate my friends and the public on those measures which have produced this effect. It is now seen what the effects are which a firm and a spirited opposition will produce; it is the opposition which has been made in this house, although ineffectual to oppose the measures of ministers, whilst they were pleased to be violent, yet has had that effect, that they now find it their interest and their safety to be otherwise.

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The noble lord has receded from his proposition of violence—has begun (I meant it if he is sincere) to listen to reason ; and, if the same spirit of opposition continues to resist violence, and to support the liberties and rights of the colonies, he will grow every day more and more reasonable. He has quoted, as an authority, the conduct of nations towards each other ; that, in the outset of their demands, they claim more than they are willing to accept ; his lordship has done the same, and, I dare say, will in a future day be as ready to recede from what he has now proposed, as he has now been humble enough to give up what he before so strenuously defended. I say this upon the supposition that the noble lord is sincere ; but I cannot believe it. Besides the opposition which his lordship found obstructing his way, he felt, that even his friends and allies began to grow slack towards the vigour of his measures ; he was therefore forced to look out for some propositions that might still induce them to go on with him, and that might, if possible, persuade the Americans to trust their rights to his candour and justice. What he has now proposed to you, does accordingly carry two faces on its very first appearance. To the Americans, and to those who are unwilling to proceed in the extremes of violence against them, he holds out negotiation and reconciliation. To those who have engaged with him on condition that he will support the supremacy of this country unimpaired, the proposition holds out a persuasion that he never will relax on that point : but Sir, his friends see that he is relaxing, and the committee sees that they are all ready to withdraw from under his standard. No one in this country, who is sincerely for peace, will trust the speciousness of his expressions, and the Americans will reject them with disdain.

Mr. C. *Jenkinson*. The honorable gentleman who spoke last, has among other objections stated, that the proposition now made to you is a total change of measures, and is totally new. Sir, 'tis so far from a change of measures, that it makes part of those very measures in which the House engaged itself when it presented the late address to his Majesty. It speaks out as to what indulgence was held out and promised, and it speaks out as to the ground on which that indulgence can be granted. It lays down as a rule at the foundation, that every part of the empire must bear its share to the common defence ; and as to the mode by which the provinces and colonies may contribute their share, it leaves that

Mr. C. *Jenkinson*.

to the very course which their principles have always claimed it ought to go in. But it does it, Sir, in a way that maintains and supports the supremacy of parliament. The terms on which this agreement is to be established, must have the sanction of parliament, the revenue raised must be at the disposal of parliament. Sir, this is so far from being a proposition new at this day, that this is the very proposition which Mr. Grenville made to the colonies the year before he brought forward the measure of the stamp act: and, would the colonies at any time have come forward, and proposed any measures in this line of common service, the government of this country would, I believe, at all times have been ready to listen to them. If there be any thing new in this proposition, it is that it speaks out explicitly and definitively; and, if the colonies reject it, it leaves them without excuse in the eyes of all mankind.

Mr. W. Ellis.
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Mr. W. Ellis. It is Sir, at all times when I rise to speak in this house, that I do it with a diffidence of my own opinion, but more so on the present occasion, as I am afraid I shall not only differ from my friends, but perhaps from every man in this house. It is with pain, Sir, that I do differ with my friends. I am extremely sorry to differ from the noble lord. It is from the true and really sincere opinion I have of his abilities and integrity, *not from any fear of his power*. But Sir, on the present occasion, the proposition which is now made to you, is so directly contrary to my idea of the address, as I agreed to it, that I cannot, consistent with the opinion I then gave, accede to this. Sir I was in hopes to find, and in any measure that I can agree to, I must expect to meet with, as the first step in the business, an express and definitive acknowledgement from the Americans, of our supremacy. Without that point first settled, I can neither receive nor consent to any other propositions. If when I ask myself whether the present resolution expresses the meaning of the address; I certainly must answer no. If I am called upon as a gentleman to say whether it does or not, I must, as a gentleman, upon my honour, declare that I think it does not. So far therefore as I have pledged my opinion in that address, I find myself as a man of honour bound to oppose this proposition. But my mode of conceiving things can be no rule to other persons; and I own that I do not wish to impose my opinion upon any other person whatever. I wish not to influence any other person. Hay-
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ing therefore said thus much to explain and justify my own conduct, I think the best thing I can do is to sit down.

Mr. *Adam* spoke against the resolution, upon the ground of its waving if it did not give up the supremacy.

Mr. *Cornwall* explained the nature of the supremacy, and shewed how the measure now proposed was not only consistent with it, but the best and wisest measure, as a measure of finance. Confirmed what his right honourable relation had said as to its being no new proposition, but having been formerly made by Mr. *Grenville*.

Right Hon. *Townshend* replied to Mr. *Cornwall*.

Mr. *Ackland*. It is, Sir, with the greatest diffidence I arise to deliver my sentiments on this occasion to the House, oppressed as I am with an awe, that I am not ashamed to acknowledge. I hope, if I should deliver my sentiments inaccurately, it will be recollected, I am delivering them before the first assembly in the world. Astonished at propositions I so little expected, I arise to beg permission of the House, to make the following motion: That the chairman do leave the chair. I am prompted to it by the conviction, that the propositions laid before the House, by the noble lord, can, on the principles of the gentlemen on the other side of the House, produce no good consequences; on the principles of the gentlemen of this side of the House, must produce many bad ones. Sir, I have supported administration on every American step they have taken during the session, because I have approved them; and as long as I had continued to approve them, I should have continued to support them. But, Sir, I cannot approve this measure, and therefore beg to make the following motion; and, if I am irregular in the manner of doing it, I hope the House will pardon me, and the chairman will set me right. I therefore conclude with moving, That the chairman do leave the chair.

Mr. *Dundas*, solicitor general of Scotland, spoke forcibly, and in very strong terms, to mark the contradiction of the present measure to the address, and to every other measure to which he had given his consent; declared that he could never accede to any concessions whatever, which he understood this to be, until the Americans did, in direct terms, acknowledge the absolute supremacy of this country; much less could he consent to such concessions, while they were in arms against it.

Sir *Gilbert Elliot* said, The debate has taken a different turn

Sir *Gilbert Elliot* from

from any idea that I could have conceived; and gentlemen have taken up ideas so contrary to every thing contained in the motion, that I own I could not but wish to explain it, as I understood it to be; not only as it stood in the present resolution, but as I conceive it to be a part of a measure already entered into. The address to his Majesty, in consequence of our considering the papers, contained, as I understood it when moved, in the sense in which I agreed to it, and as I ever have conceived it to this moment, contained too correspondent lines of conduct. With force to repress those that were in rebellion, with the protection of this country to defend those who were acting under the authority of it, to establish the government, and to enforce the laws of this country in the colonies, was one line of that conduct. You have addressed his Majesty to enforce all those measures that were necessary to carry this into effect. You have augmented your forces both by sea and land; you have raised money for this purpose; you have proceeded to measures of restriction, and are in a way to proceed still further in that course; in the whole of which, nothing is looked to but the support and establishment of the supreme authority of this country. The other line, whose direction is concurrent and concomitant with this, has been the holding out a promised indulgence to those who will do their duty towards this country. In an address, you can only state this in general and vague terms. You could not, without taking it up as a particular point of consideration, and as a particular measure, express yourselves in an explicit and definitive manner to that point. While you are going on with the one part of this united measure, will you stop short in this, to which you have pledged both your honour and humanity? Sir, so far from the measure now proposed being contradictory to, or inconsistent with the other, the plan on which you sat out, at the opening of this business, would be broken, would be defective, would be unjust, without it. While, therefore, you are maintaining the authority of this country, and that with measures of force, with power, with arms, forget not your humanity and your policy. Each proposition is to me but part of one measure; and, as part of a measure which I have approved in the whole, I must give my consent to it.

Col. Barré. Colonel Barré. How this new scheme of letting the Americans tax themselves, ever came into the noble lord's head, I cannot conceive. Whether it be the genuine product of his

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own new wisdom and policy, or whether it arises from prodigious cunning; whether from advice of any new friends, or springs from the friendship of old enemies, is impossible to conceive. By what I can collect, it is not likely to gain him any new friends from this side the House; and I should have thought it was going to lose him several friends from that side, had not the right honourable gentleman who spoke last, risen to his aid. When that gentleman pleases to exert his eloquence, there is something so powerful, so persuading, something so leading in it, that those who were in doubt, become immediately convinced. His opinion, whenever explicitly given, becomes like a standard, under which even troops which have turned their backs, may be rallied and brought again to their ranks; and, notwithstanding what we may have thought some few moments ago, we shall yet see all the troops reconciled to the march they are to make. And I begin now to see, that whatever may be the various doubts, whatever the opinions and speeches, on different sides, when we come to a division, I believe the use of a standard in this House will be seen, in that there will be scarce any difference in numbers of those who have hitherto divided on either side. But though the noble lord's new motions will cause no new divisions amongst us here, yet it is founded on that wretched, low, shameful, abominable maxim which has predominated in every measure of our late minister, *divide & impera*. This is to divide the Americans; this is to break those associations, to dissolve that generous union in which the Americans, as one man, stand in defence of their rights and liberties. If you are so weak to imagine, from any thing which that sincerely associated band of ministers can find in their own hearts, you can believe that the Americans are so foolish or so base to each other, you will be deceived. They are not such gudgeons to be caught by such a foolish bait. But the noble lord does not expect it will be accepted; it is meant only to propose something specious, which he knows the Americans will refuse; and, therefore, offers to call down tenfold more vengeance on their devoted heads, rendered thus ten times more odious, by refusing such fair, such reasonable, such just, such wise, and such humane offers: but neither will this be successful.

Lord North. I agree, Sir, with the gentleman who spoke last, as well as with an honourable gentleman who spoke last, that it is very probable that the propositions contained

Lord North.

in this resolution may not be acceptable to the Americans in general; the resolution certainly does not go to all their claims—it is however just, humane and wise; and those in America who are just, who are wise, and who are serious, will, I believe, think it well worthy their attention. The gentleman has charged me with mean, low, and foolish policy, in grounding my measures on that maxim *divide & impera*. It is foolish, it is mean, when a people, heated and misled by evil councils, are running into unlawful combinations, it is foolish to hold out those terms which will sift the reasonable from the unreasonable; that will distinguish those who have, and act upon, principle, from those who wish only to profit of the general confusion and ruin. If propositions that the conscientious and the prudent will accept, will at the same time recover them from under the influence and fascination of the wicked, I avow the using that principle which will thus divide the good from the bad, and give aid, assistance and support to the friends of peace and good government. A right honourable gentleman who always speaks and acts like a man of honour, and when he differs from his friends does it like a man of honour, thinks that according to the sense in which he understood the address, according to the sentiments on which his opinion went along with it, according to the definition which he has given of the words of it, that the propositions now proposed by me, totally deviate and depart from it; I will beg leave to refer that gentleman to the words, to the definition, to the sentiments, to the express and explicit language which I held when I proposed the address; was it not precisely, almost literally the same as what I now propose—I can ever refer to my very words as being the same. If that gentleman, attending only to his own definition, did not give his attention to mine, I can only be sorry, so far as respects that gentleman; but I will appeal to the house, as to the manner in which I explain the idea of the indulgence which the address held out and promised; and having held out and promised such indulgence, if I had not followed it by some propositions which were open, explicit, and definitive, I might indeed have been charged with throwing out deceptions to gentlemen here, and with laying a snare for our fellow-subjects in America. Whatever may be the reception these propositions shall meet with, whatever may be the fate of those measures, I feel that I have done my duty fairly and consistently.

Mr. Burke,

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Mr. *Burke*. He declared he came to the House this day, Mr. *Burke*, upon the report of a change of measures, with a full resolution of supporting any thing, which might lead any way towards conciliation—but that he found the proposition altogether insidious in its nature, and therefore purposely rendered to the last degree obscure and perplexed in its language. Instead of being at all fitted to produce peace, it was calculated to increase the disorders and confusions in America;—and therefore that he never could consent to it. He readily admitted with Mr. Ellis, and with the Solicitor General of Scotland, that the proposition was a contradiction to every thing that parliament had declared; a shameful prevarication in ministers; and a mean departure from every declaration they had made. He was however willing to purchase peace by any humiliation of ministers, and by what was of more moment, even by the humiliation of parliament. But the measure was mean indeed, but not at all conciliatory. The mode of argument, on the side of administration, he said, was the most ridiculous that ever had been known in parliament. They attempted to prove to one side of the House, that the measure was a concession; and to the other, that it was a strong assertion of authority—just on the silly principles of the Tea Act, which to Great Britain was to be a duty of supply, to the Americans a tax of regulation. He was equally surprised, he said, by another extraordinary phenomenon. To this day, during the whole course of the American debates, the ministry have daily and hourly denied their having any sort of contest about an American revenue. That the whole was a dispute for obedience to trade-laws, and to the general legislative authority. Now they turn short—and to console our manufacturers and animate our soldiers, they tell them for the first time, “the dispute is put on its true footing, and that the grand contest is, not for empty honour, but substantial revenue.” But manufacturers and soldiers will not be so consoled, or so animated; because the revenue is as much an empty phantom, as the honour; and the whole scheme of the resolution is oppressive, absurd, and impracticable—and what indeed the ministers confess the Americans will not accept; nay, what indeed they own America has already rejected. It is oppressive; because, it was never the complaint of the Americans that the mode of taxation was not just to themselves; but that neither the amount and *quantum* of the grant, nor the application, was in their free choice. This was their complaint, and their complaint was just.

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What else is it to be taxed by act of parliament in which they are not represented, but for parliament to settle the proportion of the payment, and the application of the money? This is the purport of the present resolution. If an act of parliament compelled the city of Amsterdam, to raise an hundred thousand pounds, is not Amsterdam as effectually taxed without its consent, as if duties to that amount were laid upon that city? To leave them the mode may be of some ease as to the collection; but it is nothing to the freedom of granting; in which the colonies are so far from being relieved by this resolution, that their condition is to be ten-times worse than ever. He contended, that it is far a more oppressive mode of taxing than that hitherto used: for here no determinate demand is made. The colonies are to be held in durance by troops, fleets, and armies, until singly and separately they shall do—what? Until they shall offer to contribute to a service which they cannot know, in a proportion which they cannot guess, on a standard which they are so far from being able to ascertain, that parliament which is to hold it, has not ventured to hint what it is they expect. They are to be held prisoners of war, unless they consent to a ransom, by bidding at an auction against each other and against themselves, until the King and parliament shall strike down the hammer, and say, “enough.”

This species of auction, to be terminated not at the discretion of the bidder, but at the will of the sovereign power, was a kind of absurd tyranny, which he challenged the ministers to produce any example of, in the practice of this or of any other nation. What was said to be most like this method of setting the colony assemblies at guessing what contribution might be most agreeable to us in some future time, was the tyranny of Nebuchadnezzar, who having forgot a dream of his, ordered the assemblies of his wise men, on pain of death, not only to interpret his dream, but to tell him what his dream was. To set, he said, the impracticability and absurdity of this scheme in the strongest light, he asked, in case an assembly made an offer which should not be thought sufficient by parliament, was not the business to go back again to America? and so on backwards and forwards as often as the offer displeased parliament, and thus instead of obtaining peace by this proposition, our distractions and confusions will be increased tenfold, and continue for ever. It is said indeed by the minister, that this scheme will disunite the colonies. Tricks in government have sometimes been successful; but never, when they are known

known, avowed, and hackneyed. The Boston port-bill was a declared cheat, and accordingly far from succeeding; it was the very first thing that united all the colonies against us, from Nova Scotia to Georgia. The idea of deducting the value of goods supposed to be taken by the colonists, because we sold cheap, at a time when we did not suffer the colonies to make a trial, and by such arithmetic to deduce the propriety of their paying in nearly an equal proportion with the people of England, was of a piece, he said, with the rest of the policy and the argument of this profound project. He strongly declared against any scheme, which began by any mode of extorting revenue. Every benefit, natural or political, must be had in the order of things, and in its proper season. Revenue from a free people must be the consequence of peace, not the condition on which it is to be obtained. If we attempt to invert this order, we shall have neither peace nor revenue. If we are resolved to eat our grapes crude and sour, instead of obtaining nourishment, we shall only set an edge on our own teeth, and those of our posterity for ever. Therefore he was for the reconsideration until it could be brought, he said, to some agreement with common sense.

Mr. Dunning assured the House that he had been much alarmed, for the noble lord [meaning lord North] in the course of the day, for, tho' the noble lord had checked himself and been actually five-times * on his legs, yet all his eloquence seemed thrown away, and his authority seemed on the point of losing its weight. Young members and old, the known phalanx of ministerial support, seemed to totter, and it appeared to him, as if it was going to be, "to your tents, O Israel;" but in the moment of the noble lord's distress, when all his own eloquence, all his acknowledged authority seemed lost, a gentleman of great abilities arose, [Sir G. Elliot] but he was too wise to waste his eloquence, he did not attempt to argue, but with great good sense, he warned the party not to divide among themselves. I saw, said Mr. Dunning, the instantaneous good effect of this wholesome admonition, no wit, no argument could have had half the effect; it operated like a charm: and though I don't see well, I could discern from various faces, that the minister was safe, and was rescued from the disgrace I had begun to apprehend for him,

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* The whole of his lordship's argument is given in pages 195, 196, 197, and 210. The rest was to explain.

him, of being in a minority. He then shewed that the new proposition was indeed scandalously contradictory to all the professions of the minister, and therefore justified the opposition of the minister's old friend: but for his part, he opposed it, not as being conciliatory, which he wished it was, but as being futile and treacherous.

The House divided. For Lord North's motion, 274; against it 88.

February 21.

Cricklade election.

February 22.

Mr. Wilkes.

The Lord Mayor, [*Mr. Wilkes.*] The motion, which I shall have the honour of submitting to the House, affects in my opinion the very vitals of this constitution, the great primary sources of the power of the people, whom we represent, and by whose authority only, delegated to us for a time, we are a part of the legislative body of this kingdom. The proceedings of the last parliament in the business of the Middlesex elections, gave a just alarm to almost every elector in the nation. The fatal precedent then attempted to be established, was considered as a direct attack on the inalienable rights of the people. The most respectable bodies in this kingdom expressed their abhorrence of the measure. They proceeded so far as to petition the crown for the dissolution of that parliament, as having been guilty of a flagrant abuse of their trust. Above 60,000 of our fellow-subjects carried their complaints to the foot of the throne; a number surely deserving the highest regard from a minister, if his whole attention had not been engrossed by the small number of the 6000, who return the majority of members to this house. The people, sir, were in a ferment, which has not yet subsided. They made my cause their own, for they saw the powers of government exerted against the constitution, which was wounded through my sides, and the envenomed shafts of a wicked administration pointed at our laws and liberties no less than at a hated individual. The plan was carried on for some years with a spirit of malevolence and rancour which would have disgraced the very worst, but with a perseverance which would have done honour to the best, cause. I do not mean, Sir, to go through the variety of persecutions and injuries which that person suffered, I hope, with a becoming fortitude. I have forgiven them. All the great powers of the state at one time appeared combined to pour their vengeance on me. Even Imperial Jove pointed his thunder-bolts, red with uncommon wrath, at my devoted head. I was scorched, but not consumed.

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med. The broad shield of the law protected me. A generous public, and my noble friends, the freeholders of Middlesex, the ever steady friends of liberty and their country, poured balm into my wounds. They are healed. Scarcely a scar remains : but I feel, I deeply feel, the wounds given to the constitution. They are still bleeding. This House only can heal them. They only can restore the constitution to its former state of purity, health, and vigour. May I be permitted to point out the mode of the cure, and the salutary methods I think you ought to apply ? Before I proceed to the remedy, I shall beg the indulgence of the House to state the case, and I hope they will forgive a dry but candid narrative of facts, because I mean to argue from them. I will give them as briefly as possible, and with all the impartiality of a bye-stander.

Mr. Wilkes was first elected for the county of Middlesex on the 28th of March 1768. He was expelled the 3d of February 1769, and the second time chosen, without opposition, the 16th day of the same month. On the day following, the election was vacated, and he was declared by a majority of the House incapable of being elected into that parliament. Notwithstanding this resolution of the House, he was a third time on the 16th of March, elected without opposition ; for I suppose the ridiculous attempt of a Mr. Dingley, who had not a single freeholder to propose or vote for him, can hardly be called an opposition. That election however was declared void the next day. On the 13th of April Mr Wilkes was a fourth elected, by a majority of 1143 votes, against Mr. Luttrell, who had only 296. The same day the House voted, "that Mr. Luttrell ought to have been returned." On the 29th of April a petition was presented to the House from the freeholders of Middlesex by a worthy baronet,* who is not only an honour to this House, but to human nature ; notwithstanding which the House on the 8th of May resolved, "that Henry Lawes Luttrell, Esquire, is duly elected a Knight of the shire to serve in this present parliament, for the county of Middlesex."

These are the leading facts. I will not trouble the Clerk, Sir, to read all the resolutions, to which I have alluded. They are most of them fresh in the memories of gentlemen. I only call for that of Feb. 17, 1769, respecting Incapacity as the certain consequence of expulsion.

[The

* Sir George Savile.

[*The Clerk read the Resolution.*]

Now, Sir, I think it fair to state to the House the whole of what I intend to move in consequence of the facts I have stated, and the resolution just read. The first motion I intend is, that the resolution of this House of the 17th of February 1769, "*that John Wilkes, Esquire, having been, in this session of parliament, expelled this house, was and is incapable of being elected a member to serve in this present parliament,*" be expunged from the journals of this House, as being subversive of the rights of the whole body of electors of this kingdom." This I hold of necessity to restore the constitution, which that resolution tears up by the roots. I shall then, if I succeed, if justice and a reverence for the constitution prevail in this parliament, proceed to the other motion, "*that all the declarations, orders and resolutions of this House, respecting the election of John Wilkes, Esquire, for the county of Middlesex as a void election, the due and legal election of Henry Lawes Luttrell, Esquire, into the last parliament, for the county of Middlesex, and the incapacity of John Wilkes, Esquire, to be elected a member to serve in the said parliament, be expunged from the journals of this House, as being subversive of the rights of the whole body of electors of this kingdom.*"

The words of the resolution of the 17th of February 1769, which I mean particularly to combat, are, "*was and is incapable,*" and the explanation of them the same day in the order for a new writ, "*in the room of John Wilkes, Esquire, who is adjudged incapable of being elected a member to serve in this present parliament.*" In the first formation of this government, in the original settlement of our constitution, the people expressly reserved to themselves a very considerable part of the legislative power, which they consented to share jointly with a king and house of lords. From the great population of our island this power could not be exercised personally, and therefore the many were compelled to delegate that power to a few, who thus became their deputies and agents only, their representatives. It follows directly, from the very idea of choice, that such choice must be free and uncontrouled, admitting of no restrictions, but the law of the land, to which king and lords are equally subject, and what must arise from the nature of the trust. A peer of parliament, for instance, cannot be elected a member of the House of Commons, because he already forms a part of another branch of the same legislative body. A lunatic has a natural incapacity. Other instances might be mentioned, but those two are sufficient. The freedom of election is then the common right of the people, their fair and just

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just share of power ; and I hold it to be the most glorious inheritance of every subject of this realm, the noblest, and I trust, the most solid part of that beautiful fabric, the English constitution. Here I might lean, Sir, on the most respectable authorities which can be cited, the supreme judicature of the kingdom, and the venerable judges of former ages as well as of our own times. *I met them accidentally this morning in the course of my reading,* as an old friend † of *Wilkes and Liberty*, now alas ! lost to every sense of duty to his country, frequently tells another assembly, he *accidentally meets* all the tiresome quotations he makes. The house of Peers in the case of Ashby and White in 1704, determined, “ a man has a right to his freehold by the common law ; and the law having annexed his right of voting to his freehold, it is of the nature of his freehold, and must depend upon it.” On the same occasion likewise they declared, “ it is absurd to say, the electors right of chusing is founded upon the law and custom of parliament. It is an original right, part of the constitution of the kingdom, as much as a parliament is, and from whence the persons elected to serve in parliament do derive their authority, and can have no other but that which is given to them by those that have the original right to chuse them.” The greatest law authorities, both ancient and modern, agree in opinion, that every subject of the realm, not disqualified by law, is eligible of common right. Lord Coke, Lord Chief Justice Holt, and Mr. Justice Blackstone, are the only authorities I shall cite. I regard not, Sir, the slavish courtly doctrines propogated by lawyers in either House of parliament, as to the rights of the subject, no more than I do as to what they call high treason and rebellion. Such doctrines are delivered here only to be reported elsewhere. These men have their reward. But the venal tongue of a prostitute advocate or judge is best answered by the wise and sober pen of the same man, when in a former cool moment, unheated by party rage or faction, after the fullest deliberation, he gave to the nation, to the present age and to posterity, a fair and impartial detail of their undoubted rights, and when he laid down in clear and express terms the plain law of the land. Lord Coke says, “ He which is eligible of common right, cannot be disabled by the said ordinance in parliament, unless it had been by act of parliament.” Lord Chief Justice Holt declares, “ The

† The Duke of Grafton.

"The election of knights belongs to the freeholders of counties, and it is an original right, vested in and inseparable from the freehold, and can no more be severed from their freehold, than their freehold itself can be taken away." Mr. Justice Blackstone in the first book of his Commentaries has the following words. "Subject to these restrictions and disqualifications, every subject of the realm is eligible of common right." This common right of the subject, Sir, was violated by the majority of the last House of Commons, and I affirm, that they, and in particular, if I am rightly informed, the noble Lord with the blue ribband, committed high treason against Magna Charta. This house only, without the interference of the other parts of the legislature, took upon them to make the law. They adjudged me incapable of being elected a member to serve in that parliament, although I was qualified by the law of the land, and the noble Lord declared, "if any other candidate had only six votes, he would seat him for Middlesex."† I repeat it, Sir, this violence was a direct infringement of Magna Charta, high treason against the sacred charter of our liberties. The words to which I allude, ought always to be written in letters of gold. "No freeman shall be disseized of his freehold, or liberties, or free customs, unless by the lawful judgment of his peers, or by the law of the land." By the conduct of that majority, and of the noble Lord, they assumed to themselves the power of making the law, and at the same moment invaded the rights of the people, the King, and the lords. The two last tamely acquiesced in the exercise of a power, which had been in a great instance fatal to their predecessors, had put an end to their very existence; but the people, Sir, and in particular the spirited freeholders of this county, whose ruling passion is the love of liberty, have not yet forgiven the attack on their rights. So dangerous a precedent of violence and injustice, which may in future times be cited by a despotic minister of the crown, ought to be expunged from the journals of this House.

I have heard and read much of precedents to justify the proceedings of the majority in the last House of Commons. I own, Sir, I value very little the doctrine of precedents. There is scarcely any new villany under the sun. A precedent can never justify any action in itself wicked, a robbery

† This is a mistake. See Lord Stanley's Speech, Page 228.

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bery for instance on the heaths of Hounslow or Bagshot, of which there are innumerable precedents. The basest actions may be justified by precedents drawn from bad times and bad men. The sole question is, Whether this power is not a direct usurpation on the rights of the people? If that is proved, I care not how long the usurpation has continued, how often practised. It is high time to put an end to it. It was the case of general warrants. One precedent however the most insisted upon, I must take notice of, because it is said fully to come up to the point, but in my opinion, in almost every part it proves the contrary of what it has been brought to support, I mean the remarkable case of Mr. Walpole in 1711, a period in which the rankest Tory principles were countenanced more than in any period of our history prior to 1760. The case has been so partially quoted, even by a * person whose sole merit here was an assumed accuracy, which he never possessed, that I shall desire it may be read to the House from our journals. The date is March 6, 1711.

[*The Clerk reads, "Resolved, that Robert Walpole, Esquire, having been, this session of parliament, committed a prisoner to the Tower of London, and expelled this House, for an high breach of trust in the execution of his office, and notorious corruption, when secretary at war, was and is incapable of being elected a member to serve in the present parliament."*] Now, Sir, I must observe, that even that parliament, at an æra so hostile to the liberties not only of England but of Europe, did not venture to adjudge him incapable of being elected a member to serve in that parliament only because he was expelled, but in the body of the resolution itself they add another reason, which would be trifling, if one was sufficient, and adequate to the point, *the high breach of trust in the execution of his office, notorious corruption, when secretary at war.* As trustees for the public, they assigned a cause, which must interest every member of the community. In the case of Mr. Wilkes, the late majority declared, "That John Wilkes, Esquire, having been in this session of parliament, expelled this House, *was and is* incapable of being elected a member to serve in this present parliament." *The having been expelled, whether justly or unjustly,*

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* Jeremiah Dyson, Esq.

justly, is the only reason they gave to the public. I shall not yet, Sir, dismiss the case of Mr. Walpole. It will prove another proposition I have maintained, the injustice of the late majority in seating Mr. Luttrell in this House. The fact is, that the House of Commons having expelled Mr. Walpole, ordered a new writ to issue. At the subsequent election, Mr. Walpole was again returned. A Mr. Taylor, who had a minority of votes, petitioned, but the election was vacated. Had the doctrine propagated by the late majority, and by the noble lord in the blue ribband, been just, Mr. Taylor ought to have sat, the House should have resolved he *ought* to have been returned, and the grossest injustice was actually done to him. But even that parliament, whose memory the nation execrates, dared not proceed to such enormous wickedness. It was reserved for the present æra, when shame has lost its blush. Mr. Luttrell was for some years declared to represent the county of Middlesex, although a great majority of the freeholders abhorred and reprobated the idea, and on every public occasion declared it.

Sir, when the strong reasons, on which any doctrine is founded, bear me out, I care little about precedents. I recollect, however, another instance of Mr. Woollaston, which directly meets an objection, which has been much relied upon, "that expulsion necessarily implies incapacity." It is the last I shall desire the Clerk to read. I wish him to turn to the journals of February 20, 1698. [*The Clerk reads*, "Resolved, that Richard Woollaston, Esquire, being a member of the House of Commons, and having since been concerned and acted as a receiver of the duties, &c. contrary to the act made in the 5th and 6th of his Majesty's reign, &c. *be expelled this House.*"] Now, Sir, I defy all the subtlety of the most expert court lawyer among us, all the sophistry of the bar, to reconcile this case with the favourite court tenet, "that expulsion implies incapacity, because the fact is ascertained, that a new writ did issue for the borough of Whitchurch, and that *Mr. Woollaston was re-elected and sat in the same parliament.* Incapacity therefore does not necessarily follow expulsion.

I am ready to admit, that where a clear legal incapacity exists, all votes given to a person incapacitated are thrown away, if they are knowingly given to him. But, Sir, I beg leave to assert that this was not the case in the Middlesex business. Mr. Wilkes was qualified by the law of the land, and the freeholders, who perfectly understood

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the clear point of law, as well as their own rights, expressly declared in the petition presented on the 29th of April to the House, "Your petitioners beg leave to represent to this honourable House, that the said Henry Lawes Luttrell had not the majority of legal votes at the said election, nor did the majority of the freeholders, when they voted for John Wilkes, Esquire, mean thereby to throw away their votes, or to wave their right of representation; nor would they, by any means, have chosen to be represented by the said Henry Lawes Luttrell, Esquire. Your petitioners therefore apprehend he cannot sit as the representative of the said county in parliament, without a manifest infringement of the rights and privileges of the freeholders thereof."

This House, Sir, is created by the people, as the other is by the King. What right can the majority have to say to any county, city, or borough, you shall not have a particular person your representative, only because he is obnoxious to us, when he is qualified by law? Every county, city or borough has an equal right with all other counties, cities and boroughs, to its particular deputy in the great council of the nation. Each is distinct, free and independent. I do not mean, Sir, now to enter into the argument, whether it may not be fit to give this House the power of expulsion in the first instance for every flagrant and infamous crimes, either committed, or of which the member may be convicted, subsequent to his election. That might seem an appeal to the people, the sending the member back to his constituents. If however they differ in opinion from the House, and re-elect him, he ought to sit, because he claims his seat under the same authority each member holds his, a delegation from the people. The first appeal to the constituents may seem just. The appeal certainly lies to them, and it is by their representation only you are a House of Parliament. They have the right of chusing for themselves, not you for them.

Sir, I will venture to assert, that the law of the land, by which all courts of judicature are equally bound, is overturned by the power lately exercised by a majority of the House. The right of election is placed not in you, but in other hands, in those of your constituents. Your predecessors not only robbed a particular county of its noblest privileges, but they changed the constitution of a House of Commons. The freeholders of this county, and the nation, abhorred the action, and poured their execrations on the authors. But, Sir, if you can expel whom you please, and reject those disagreeable to you, the House will be *self-created* and *self-existing*. The

original idea of your representing the people will be lost. The consequences of such a principle are to the highest degree alarming. A more forcible engine of despotism cannot be put into the hands of any minister. I wish gentlemen would attend to the plain consequences of such proceedings, and consider how they may be brought home to themselves. A member hated or dreaded by the minister is accused of any crime, for instance, of having written a pretended libel, I mention this instance as the crime least likely to be committed by most of the members of this House. No proof whatever is given on oath before you, because you cannot administer an oath. The minister invades immediately the right of juries. Before any trial, he gets the paper voted a libel, and the member he wishes expelled to be the author, which fact you are not competent to try. *Expulsion* means, as it is pretended, *Incapacity*. The member is *adjudged incapable*; he cannot be re-elected, and thus is he excluded from parliament. A minister by such manœuvres may garble a House of Commons till not a single enemy of his own, or friend of his country, is left here, and the representation of the people is in a great degree lost. Corruption had not lent despotism wings to fly so high in the times of Charles I. or the minister of that day would have been contented with *expelling* Hampden and the four other heroes, because they had immediately been *adjudged incapable*, and he thereby *incapacitated* them from thwarting in parliament the arbitrary measures of a wicked court.

Upon all these considerations, in order to quiet the minds of the people, to restore our violated constitution to its original purity, to vindicate the injured rights of this country in particular, and of all the electors of this kingdom, and that not the least trace of the violence and injustice of the last parliament may disgrace our records, I humbly move, "that the resolution of this House of the 17th of February 1769, 'that John Wilkes, Esquire, having been in this session of parliament, expelled this House, WAS, and IS, incapable of sitting in the present parliament,' be expunged from the journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

Serjeant
Glynn.

Mr. Serjeant Glynn seconded the motion. He went into the whole of Mr. Wilkes's case. When he came to the proceedings in parliament, he condemned them in very strong terms; asserted positively, that the resolutions now under consideration were contrary to the law of the land; were destructive of the constitutional rights of the people; were the most violent, unjust, and ill-founded, that ever disgraced this country.

country, or any free assembly. He averred this, as a lawyer, and a member of that House; and concluded with calling upon the justice of that House, to comply with the motion, and rescind those infamous resolutions.

[*He spoke in great pain, being at that time afflicted with a severe fit of the gout.*]

Colonel Onslow. The learned serjeant promised us, to Col. Onslow, the confine himself to the present question; but the warmth of his friendship has carried him on into the whole of Mr. Wilkes's case. I hope, therefore, the House will grant me the same indulgence, if my warmth and zeal for the honour and dignity of this House, and the public cause, should induce me to follow the learned serjeant in any point beyond the question before us. Before I proceed, I beg leave to recall to the memory of the House, that a question relative to the Middlesex election was annually moved by one of the most respectable members of this House; a gentleman, Sir, great in his fortune, great in his abilities, and still greater from his credit and character, both within and without these walls: yet a question so moved, always passed unheeded by, under a silent vote. And I would not now presume to debate it, without making an apology to the honourable gentleman, and giving the true reason why it was not replied to in the late parliament: the question was then *spectata satis*, as it was most fully agitated in this House by the ablest of its members, and also employed the talents and pens of the most eminent lawyers of the times.

We are now sitting in a new parliament; we have many new and many young men members it. It is, therefore, become necessary to debate the question before us; and, I hope, our young members will give the most serious attention to this day's business, which is a great lecture on the power of the House of Commons, and the rights and privileges of the people. I hope the House will pardon my insufficiency, and also my eagerness to exert myself on the present occasion; but when the honour and dignity of this House is concerned, and when I look at that chair, which has done my family so much honour, by having had so many of my name to preside in it, I feel myself called upon, I feel myself animated, and will presume to debate after the learned serjeant. I hope I shall be excused, though I was not professionally bred; I was bred a soldier, and though my abilities are as short as my person, yet if, by taking thought, I could add a cubit to them, I would willingly be a grenadier on the present occasion, where
the

the necessary power, the honor and dignity of the House of Commons are so strongly attacked.

Sir, the question before us is, a motion to expunge from our journals a resolution of this House, which is as follows :

“ Resolved, That John Wilkes, Esq; having been, in this session of parliament, expelled the House, was and is incapable of sitting in the present parliament.”

Sir, I will produce precedents to shew, that this House, from 1580, has constantly exerted that power; and will prove, from plain reason, that it is necessary for the House to have such a power.

Sir, the old precedents run, in general, in words not to be misconstrued : that the offender *be expelled this House, and be presently cut off, and severed from the present parliament*, or in some words full as strong. I desire to read the precedents.

[Here Colonel Onslow read several precedents, beginning with the case of Arthur Hall, Esq; which declared the member expelled, to be cut off and severed from the present parliament.]

Sir, these precedents fully and manifestly shew what our ancestors and predecessors held to be the law of parliament, that expulsion contained incapacity.

This has been always the law of parliament, even in times when the power of the people was highest. I shall now argue on the cases of Mr. Woollaston and Mr. Walpole, and shew these cases do not serve the learned serjeant's purpose on the present occasion. Mr. Woollaston held an office which, by an act of parliament, rendered him incapable of sitting in parliament : he lost his seat by it. Mr. Woollaston parted with his office; and common sense tells us, when Mr. Woollaston parted with that office which created his incapacity, the incapacity ceased; he was eligible of course, and had a right to serve in the then parliament, which he did; and though the word *expelled* was used in Mr. Woollaston's case, yet all candid persons allow it was nothing more than an inaccuracy. Let the good sense of this precedent speak for itself. It does not follow, that had Mr. Woollaston been expelled for writing an obscene, impious, or traitorous libel, that the House would have suffered him to sit in that parliament. As to the case of Mr. Walpole, surely nothing can be plainer than this, that Mr. Walpole, by means of a very spirited set of electors, endeavoured in vain to obtain a seat in that parliament, from which he was expelled. In that instance the House resolved, “ That Robert Walpole, Esq; having

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having been expelled, *was* and *is* incapable of being elected a member to serve in the present parliament." And now, Sir, I beg leave to give the House a curious anecdote, which came from undoubted authority, but I am not at liberty to mention from whom. When the House, after their declaration, rejected Mr. Walpole, on his return home he said, that after what had happened, the House were a parcel of fools for not taking the second person on the poll. And what shews still farther that this was Mr. Walpole's real opinion, is this, that he would not venture to make such another experiment, but got his friend Sir John or Sir Charles Turner to be chosen in his stead, to fill his seat and preserve his interest at Lynn. Add to all this, that when Mr. Walpole came into power, with popularity at his heels, he never even attempted to subvert or alter that power of the House of Commons, which he had before so strongly contended had unjustly deprived him of his seat in parliament, and his electors of their rights and privileges. I think I have sufficiently shewn, that these modern precedents as little assist the learned serjeant in his arguments, as even the ancient ones. But as I forgot to do it sooner, I beg here to answer the learned serjeant, in calling the ancient precedents *infamous* ones. Does the learned serjeant continue in the same mind? I find he does. With what grace, then, can the learned serjeant presume to hope the House will expunge the resolution in question, when the learned serjeant, in the same breath, tells us, that we leave behind, on your journals, the most *infamous* precedents? Such precedents as, by his account, stare the privileges and rights of the people in the face, and may, at any future time, gape and devour them. Are we, then, as the present motion requires us to do, to rescind and expunge partially such resolutions only as come *ad hominem* to Mr. Wilkes, and to his cause? Let the learned serjeant, in his robe of law and justice, (as he has gone into the whole of Mr. Wilkes's case) now declare, on what principles of law and justice he leaves Mr. Apgill, who was expelled this House for blasphemy, to be hung up a public spectacle to all eternity, and why his friend is to be cut down, and his fame buried, and sweetened by his mother earth, after his being exposed only for a few years. Yet this will be the case, should Mr. Wilkes, in this instance, triumph over the power and dignity of parliament. All then that this House did, will appear wrong, and all that the worthy magistrate did in those times, will, in a great measure, be justified. I now proceed to shew why expulsion should imply an incapacity

incapacity to serve in the parliament from whence the member is expelled. Sir, this is a necessary power, otherwise it would be possible for a few, and even one member, to traduce you, Mr. Speaker, or the House, *ad libitum*, without our being able effectually to get rid of him, and so put a stop to all business. Sir, there are men who are hardy enough to attempt this—I hope not within these walls; but such men could easily be found, had not the House the power (which thank God it has) of expelling them, and cutting them off from the present parliament. If the House could not keep out such offenders, we might expell all in vain; they would as often be returned to us, and no business go on, *ad infinitum*, unless we went to the Crown, and the other House, to join us in a bill to expell our own members, which would be an event so monstrous, that I can never suppose any House of Commons will suffer it to happen. I will now proceed to shew, that the House in the resolution now moved to be expunged, and treated with so much ignominy, proceeded only agreeably to both the law of parliament and the common law of the land, and will meet those gentlemen on their own ground, who are hostile to the resolution in question, and who argue with the learned serjeant, that such resolution is not consonant to the common law of the land. Sir, Prynne, who is a writer of great authority, makes use of this expression in his observations on the parliamentary writs, *that it is no restraint on the liberties of the people, to prevent them from chusing improper persons to represent them*. What do those writs which are the law require? We are told, in the ancient writs, that the person to be chosen as a member to serve in parliament, must be *probus, discretus, legalis ad laborandum potens*, or, as the words of the writ now run, a *sober and discreet burghers*. Now, Sir, can a person be said to be *probus & discretus, sober and discreet*, who was in execution for writing obscene, impious, or traitorous libels, who was not purged from his crimes, by having paid his fine, and suffered the imprisonment allotted him by his sentence? Could Mr. Wilkes come under the farther description of *legalis ad laborandum potens*? Could he attend to serve his country in parliament while he was in prison, from whence the privilege of parliament could not release him? Certainly, as Mr. Prynne says, he was one of those *improper persons* which the writs prohibit from being chosen to represent the people. Can a person expelled this House, for the crimes Mr. Wilkes was, or for any crime, be called *probus & discretus*, a *sober and discreet person*, and be eligible again in a few days?

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Common sense, as well as common law, opposes it. In short, Mr. Wilkes was not eligible at the time contended for, by the tenor of the writ, which is the common law of the land; and the House of Commons, in declaring that John Wilkes, Esq; having, in this session of parliament, been expelled this House, *was* and *is* incapable of being elected a member to serve in the present parliament, only followed the precedents of former parliaments, and went hand in hand with the writ, which is the common law of the land.

And sure, no gentleman will call in question or oppose a power of this House, which goes *pari passu* with the common law. It certainly, as Mr. Prynne says, is no restraint on the liberty of the people, to prevent their chusing improper persons to represent them; the British empire, the world, was all before the Middlesex electors: surely they might have found another person of equal abilities, patriotism, and virtue, with Mr. Wilkes, to represent them! If such a person was not to be found in this island, they might have brought Mr. Otis, Mr. Cushing, or any other patriot, from the other side of the Atlantic.

I beg leave to observe what has happened in the city of London, on similar occasions. On their late vacancies for aldermen, the citizens have not been able to fill them from the city. I am sorry to say, the citizens were necessitated to go to the west end of this town, and other parts of the kingdom, to find patriots sufficient to preside over them as magistrates, and represent them in the city senate. What have they done, Sir? They have adopted aliens instead of citizens; and instead of the fat, inactive, commercial alderman, they have chosen patriots, as Shakespeare says, not sleek-headed men, and such as sleep of nights; no, Sir, they have discarded the fat, sleek, well-carcased, black dock, from the city coach, and have substituted in their stead the nag-tail'd, the patriotic alderman; they champ the bit, foam, prance, and curvet; but I doubt whether these blood-bays will draw quite so well as the old blacks: and if the Phaeton now on the box should overturn the state-coach into Fleet-ditch, I question whether these *light cattle* will be able to get it out again. I will return more closely to the question, and beg leave to observe, that if the precedents I have read had been extracted from our journals, had they been printed and stuck up against the door of every parish church in this island, common sense would have prevailed, and the people would not have been deceived and imposed upon as they have been, as to the whole of the proceedings of the House of Commons, in

regard to the Middlesex election; and let me say to the young members of this House, that I would have them strip these proceedings of their sophistry, their powder, and paint, by which they have been disguised by artful men and lawyers; let them wash and sweeten this hackney'd and battered question, and then take her to their judgments, *puris naturalibus*: let them judge from the plain sense of the precedents on the journals, and the plain sense of the law of the land.

The learned serjeant has called this motion, to expunge the resolution from our journals, a conciliatory motion. Sir, it is quite otherwise; the worthy magistrate and learned serjeant must know the House cannot agree to it, and therefore we shall have this question over and over again; it will be kept as the continual firebrand of faction, to disturb and inflame the minds of the people. Therefore, Sir, though I am convinced that the late House of Commons only exerted the usual and necessary powers of the House in the case of Mr. Wilkes, and the Middlesex election; and though I feel the House ought to have such power, yet I shall be for what I hope to see, a moderate and reasonable bill to limit the time of expulsion; and I implore the House on all sides to join in such a bill, which will quiet the minds of men, and extinguish this torch of faction: such a measure will be truly conciliatory, and God send it may soon happen.

Mr. Fox. Mr. Fox replied to the Lord Mayor, and thought the expulsion a right measure.

Ld. Stanley. Lord Stanley said, the worthy magistrate [the Lord Mayor] was mistaken in ascribing to the noble lord [Lord North] the declaration, if any other candidate had only six votes he should be member for Middlesex. It was his father, the late Lord Strange, he said, who made that declaration.

Gen. Fitzroy. General Fitzroy said, the magistrate was likewise mistaken in attributing his expulsion to the noble lord [Lord North]. It was the measure of a noble duke, his brother, [the duke of Grafton] who was then minister.

Lord Mayor. The Lord Mayor replied in a spirited manner, and was particularly severe on the insolence (as he termed it) of a peer interfering in the elections and privileges of the commons.

Hon. Capt. Luttrell. Hon. Capt. Luttrell. Situated and connected as I am, cannot sit still and give a silent vote upon this question: that I mean to recapitulate the demerits of a case which has been so ably and frequently litigated; but as I ever wish to observe a consistency in my conduct, so I must express that detestation here I have uniformly done without doors, every illegal proceeding respecting the Middlesex election. I shall

I shall not contend for the impropriety of Mr. Wilkes's expulsion, but as he was eligible in the eye of the electors to be again returned for Middlesex, I never can reconcile it to my ideas of right, how a person, not possessed of the suffrages of a majority of *legal* freeholders, could, by a vote of this House, become a *legal* member; therefore I have constantly lamented, that no arguments of mine, or of the real friends to the colonel, could prevent him from undertaking, or prevail with him to relinquish an act which I have ever considered of the greatest injury to the public; but when the colonel undertook this ministerial job, it was upon the fullest confidence and assurance of being returned by a majority of legal votes. Sir, he never meditated the violation of the sacred right of election, but he was unfortunately doomed to be the vehicle through which the machinations of a certain faction were to be carried into execution; and if he has been suspected of Quixotism in the head, I trust he never will be guilty of Stewardism at heart. Sir, with respect to the right honourable member who moved this question, and was the object of that persecution, I have no knowledge of him in his private capacity, but in his public one I have ever held him respectable; he has exercised the great offices of magistracy, in this metropolis, with an assiduity and firmness that is scarce to be paralleled; he has ever displayed that consistency and uprightness in all his public actions, that in these times of supineness and ductility, claim peculiar admiration.

Sir, naturalists have observed, that any period of our lives, there is hardly an atom of the human body remaining, that belonged to it *seven years before*; now, perhaps, that hypothesis may hold good as to the human mind, at least as far as it relates to political life, if we should judge by the changeable principles and wavering fame of certain individuals, seated within the narrow compass of these walls; and therefore, whatever may have been complexion of this House *seven years ago*, I will now entertain a hope, as I feel myself deeply interested in the wish, that we may cheerfully agree to night, by such a majority, as no ministerial magic can turn into a *minority*, to rescind such resolutions respecting the Middlesex election, as may have stained the conduct of the late parliament. Let us leave them in full possession of those laurels they so justly acquired, when they made Mr. Grenville's bill for the trial of controverted elections, perpetual; and as the most effectual service we can render our predecessors, is compatible with our duty to the public, let this unconstitutional, this oppressive act, be obliterated from memory, and from record.

Mr. Van,

Mr. Van thought the honourable gentleman who made the motion, might rest contented that he had obtained his seat, and charged him with being guilty of blasphemy.

Lord Mayor

The *Lord Mayor* called him to order, and had the resolution read, this occasioned much laughter. The resolution was read, and no such word as blasphemy appearing, he was called upon by the *Lord Mayor* to retract what he had said; on which he replied, though he had mistaken the precise word, yet impious and prophane were pretty nearly the same thing.

Lord North.

Lord North quoted a number of precedents in favour of the resolution, and relied particularly on the expulsion of *Walpole*, and the cases of *Malden* and *Colchester*.

*Right Hon.
T. Townshend.*

Right Hon. T. Townshend. Though the friends of the motion might be now out-numbered, he did not despair to see the day when those infamous proceedings would be expunged, and the authors of them brought to condign punishment.

Mr. Wallace.

Mr. Wallace insisted, that from the uninterrupted usage of parliament for almost two centuries, the House fully possessed the right of expulsion.

The Attorney General

Mr. Attorney General said, he was neither in parliament nor in office, the time the resolution was passed, but he understood then, and believed still, that the question was decided on the clearest principles of the laws and constitution.

Mr. Byng.

Mr. Byng was of the same opinion with his hon. friend, [*Mr. Townshend*] and did not doubt but the day would arrive sooner than many persons imagined.

Sir George Savile.

Sir George Savile took a very extensive view of the question, and argued it on many grounds.

The other gentlemen who spoke were *Mr. Gilbert*, *General Fitzroy*, *Mr. St. John*, &c. against the motion.

Mr. James Grenville, *Mr. Richard Grenville*, *Mr. Serjeant Adair*, *Mr. Wedderburne*, and *Mr. Vyner*, for it.

The House divided : Ayes — 171 Noes — 239.

A List of the Minority on this Question.

TELLERS.

Lord Visc. Falkstone, Salisbury
R. H. T. Townshend, Whitchurch
Bedfordshire.

Sir William Wake, Bedford
Robert Sparrow, ditto

Berks.

J. Elwys
Christopher Griffith
Francis Annesley, Reading
Hon. Adm. Keppel, Windsor
Hon. J. Montagu, ditto

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Bucks.

Earl Verney
George Grenville
James Grenville, jun. *Buckingham*
Richard Grenville, *ditto*
J. Aubrey, *Aylesbury*
Joseph Bullock, *Wendover*
Cheshire.

T. Grosvenor, *Chester*
Cornwall.

Sir John Molesworth
J. Amyand, *Camelford*
Samuel Salt, *Leskeard*
Edward Gibbon, *ditto*
Hon. T. Howard, *St. Michael*
J. Dyke Ackland, *Callington*
Cumberland.

Henry Fletcher
James Adair, *Cockermouth*
Ralph Gowland, *ditto*
Derbyshire.

Lord George Cavendish
Lord Frederick Cavendish, *Derby*
Devonshire.

Alex. Wedderburn, *Oakhampton*
Sir George Yonge, *Honiton*
Laurence Cox, *ditto*
Sir Ph. Jennings Clerk, *Totness*
J. Rolle Walter, *Exeter*
Dorsetshire

Humphrey Sturt
John Damer, *Dorchester*
Hon. L. F. Carey, *Bridport*
Thomas Coventry, *ditto*
R. H. W. G. Hamilton, *Wareham*
Joshua Mauger, *Poole*
Durham.

Lieut. Gen. Lambton, *Durham*
J. Tempest, *ditto*
Essex.

John Luther
Gloucestershire.

Sir William Guise
Edward Southwell
Sir Wm. Codrington, *Tewksbury*

Joseph Martin, *Tewksbury*
Charles Barrow, *Gloucester*
Herefordshire.

Sir George Cornewall
Thomas Foley, sen.
John Scudamore, *Hereford*
Hertfordshire.

William Plumer
Thomas Halsey
Paul Fielde, *Hertford*
Huntingdonshire.

Earl Ludlow
Kent.

Hon. Charles Marsham
Thomas Knight
Robert Gregory, *Rochester*
Sir William Mayne, *Canterbury*
Richard Milles, *ditto*
Lancashire.

Sir Thomas Egerton
Lord Richard Cavendish, *Lancaster*
Sir William Meredith, *Liverpool*

Richard Pennant, *ditto*
George Byng, *Wigan*
Beaumont Hotham, *ditto*
Anthony James Keck, *Newton*
Robert V. A. Gwilym, *ditto*
Leicestershire.

John Peach Hungerford
Lincolnshire.

Charles Anderson Pelham
Evelyn Anderson, *Grimby*
Lord Lumley, *Lincoln*
Robert Vyner, *ditto*
Middlesex.

John Glyn
John Wilkes
John Sawbridge, *London*
Richard Oliver, *ditto*
Frederick Bull, *ditto*
George Hayley, *ditto*
Norfolk.

Sir Edward Astley
Wenman Coke
Crisp. Molineux, *Lynn*

Sir

Sir Harbord Harbord, *Norwich*
Northamptonshire.

Thomas Powys

Lucy Knightley

Sir George Robinson, *Northampton*

Richard Benyon, *Peterborough*

Fred. Montagu, *Higham Ferrers*
Northumberland.

Sir Matthew Ridley *Newcastle*

Jacob Wilkinson, *Berwick*

Nottinghamshire

Lord Edward Bentick

Sir Cecil Wray, *East Retford*

George Sutton, *Newark*

Oxfordshire.

Lord Wenman

Shropshire.

Thomas Whitmore, *Bridgenorth.*

Somersetshire.

R. H. Cox

Edward Phelps

Hon. T. Luttrell, *Milbourne Port*

C. Wolseley, *ditto*

Benjamin Allen, *Bridgewater*

J. Smith, *Bath*

Abel Moysey, *ditto*

Edmund Burke, *Bristol*

Henry Cruger, *ditto*

Southampton.

Jervoise Clerk, *Yarmouth*

Edward Morant, *Lymington*

Sir John Griffin Griffin, *Andover*

Hon. J. Luttrell, *Stockbridge*

J. Fleming, *Southampton*

Staffordshire.

George Anson, *Litchfield*

Suffolk.

Rowland Holt

Geo. Wm. Van Neck, *Dunwich*

Sir Charles Davers, *Bury*

Surrey.

Sir Francis Vincent

James Scawen

James Adam, *Gatton*

Sir Robert Clayton, *Blechingly*

Frederick Standert, *ditto*

Nathaniel Polhill, *Southwark*
Sussex.

Lord George Lenox

Sir Thomas S. Wilson

Sir. H. Gough, *Bramber*

Charles Goring, *Shoreham*

Ld. G. Germaine, *East Grinstead*

Gen. J. Irwin, *ditto*

Filmer Honeywood, *Steyning*

Thomas Brand, *Arundel*

G. L. Newenham, *ditto*

Rt. Hon. T. Conolly, *Chichester*
Warwickshire.

Sir Charles Holte

Tho. Geo. Skipwith

Edward Roe Yeo, *Coventry*

Westmoreland.

Sir Michael le Fleming

George Johnstone, *Appleby*

Worcestershire.

Edward Foley

Sir John Ruthout, *Evesham*

Thomas Foley, jun. *Droitwich*

Thomas Bates Rous, *Worcester*

Wilts.

Charles Penruddock

Ambrose Goddard

Lord George Gordon, *Luggerhall*

William Hufsey, *Salisbury*

James Sutton, *Devizes*

Rt. Hon. Isaac Barré, *Calne*

John Dunning, *ditto*

General A'Court, *Heytesbury*

Nathaniel Bayly, *Westbury*

Robert Scot, *Wotton Bassett*

Henry Herbert, *Wilton*

John Cooper, *Downton*

Yorkshire.

Sir George Savile

Sir James Pennymann, *Beverley*

G. F. Tuffnell, *ditto*

Sir Charles Saunders, *Heydon*

Beilby Thompson, *ditto*

Hon. R. B. Walsingham, *Knarethorpe*

borough

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Sir T. Frankland, *Thirsk*
 Thomas Frankland, *ditto*
 Lord John Cavendish, *York*
 C. Turner, *ditto*
 David Hartley, *Hull*
 Savile Finch, *Malton*

CINQUE PORTS.

J. Trevanion, *Dover*
 C. W. Cornwall, *Winchelsea*
 William Nedham, *ditto*

WALES.

Lord Bulkeley, *Anglesea*
 Sir H. Williams, *Beaumaris*

Sir Robert Smyth, *Cardigan*
 Tho. Asheton Smyth, *Carnarvon-*
shire

Sir Watkin Williams Wynn,
Denbighshire

Evan Lloyd Vaughan, *Merioneth-*
shire

Hugh Owen, *Pembrokeshire*

NORTH BRITAIN.

Earl of Fife, *Bamffshire*

Hon. A. Duffe, *Elginshire*

J. Johnstone, *Kingherne, &c.*

February 23.

Report of Dorchester, and consideration of the report of Hindon elections.

February 24.

It was moved, to commit the American fishery bill.

Sir John Griffin Griffin, after expressing his sincere wishes to see an happy conclusion put to the American disputes without bloodshed, declared, that upon reading the bill, he felt himself alarmed, and was jealous that, if the greatest caution and delicacy was not to be used in perfecting the bill, it would rather provoke than effect any good purpose; and that he would not therefore, without certain assurances, give his consent to its going to the committee. He contended, that the first operation of the bill should be so calculated, that the innocent might at no event be confounded with the guilty, and observed, that the power given to the government and council of New Hampshire and Massachusetts Bay, to take off the restrictions laid by this bill by proclamation, appeared to be so limited, that they could not issue such proclamation so as to secure those who were evidently well intentioned from the penalties of the act; and then put a case, by way of explanation, and insisted, that in common justice the commencement of its operation should be delayed to such a period, as ought to give those so inclined time to return to their duty; and concluded, that if this was not to be the case, he should be adverse to its going one step further; and that on the contrary, if he heard from authority, that none but the unrelenting and intractable could feel its influence, he should wish the bill success, considering it as very proper and consistent with every resolution taken on the subject of our unhappy disputes with America.

Lord

Lord North.

Lord North replied, that it was intended in the committee to fill up the blanks in such manner as might answer the purposes wished for by the honourable gentleman, and that the first operation of the bill might not have effect sooner than at the expiration of one month at least after its arrival.

A petition against the bill from the merchants, traders and others, of the city of London, interested in the American commerce, was presented, by the sheriffs of London, and read; setting forth, that the commissioners are deeply concerned, to observe, by the votes, that a bill is brought in, to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut, and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies, and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain restrictions, and for a time to be limited; and representing to the House, that the said bill, should it pass into a law, will, in its operation deprive thousands of his Majesty's loyal subjects of their actual subsistence, and reduce them to extreme distress, even that of famine, the said provinces not generally raising corn sufficient for their own support; and by the said bill they will be prevented from receiving any supplies from their sister colonies, and precluded from their natural resource, the sea; and that the petitioners have reason to believe that very great numbers of men are bred and employed in the fisheries, who, in hardiness and intrepidity, are not exceeded by any in this extensive empire, and may be impelled, by the pressing calls of hunger and want, to such a conduct as may be productive of devastation and bloodshed, which may endanger the peace and welfare of that part of his Majesty's American dominions, or be induced to emigrate to the islands of Miquelon and St. Pierre, there to fish for the French, and give our rivals the means of supplying the markets in Europe, and thereby render it difficult for us to regain that valuable branch of commerce; and that there is now due, from the said provinces and colonies, to the city of London, a very large sum of money, and that their remittances are principally made by means of the fisheries, and consequently the ruin brought on those colonies will ultimately fall on Great Britain; and that, amongst other grievances of which our fellow subjects in America so generally complain, is, their being deprived of trial by jury in particular cases, and the extension of the jurisdiction of the admiralty courts; which grievances

grievances, the petitioners with much concern find, are not only continued, but extended by the present bill; and they think it their duty to represent to the House, that it is their firm opinion, that the disquietude which universally prevails in the minds of their fellow subjects in America, will not be removed, unless lenient measures are pursued, and their grievances redressed; and therefore praying, that the said bill may not pass into a law.

Mr. Alderman *Hayley* moved, that the petitioners have leave to be heard by themselves, or counsel, which was agreed Mr. Alderman *Hayley*.

Adjourned to February 27.

February 27.

Message from the lords, desiring a conference. A committee appointed to attend the conference, on the part of the commons. Lord Stanley reported from the conference, that the lords had resolved, That the pamphlet entitled *The present Crisis, with respect to America, considered*, is a libel, &c. and that it be burnt by the hangman. The commons agreed to the resolutions.

Lord *Chewton* complained of the paper called *The Crisis*, Lord *Chewton*. and moved, that it is a libel, &c. and that it be burnt by the hangman. A conference desired with the lords; with whom these resolutions were left.

Report from the committee on the 20th, on American affairs.

Resolution of the committee read.

Moved, That the House do agree with the committee in the said resolution.

Mr. *Scot* after condemning the whole system of colony administration for some years back; said, in such a state of confusion, uncertainty, and political versatility, he was for agreeing to the resolution, as a basis to erect something on hereafter, which might be the means of producing a permanent and comprehensive plan of reconciliation.

Mr. *Acland*. I hope the House will pardon me, if I beg their attention a few moments, and but for a few moments; for I should make a very ill return to the favorable indulgence shewn on a former day, if I presumed to trouble it long on this. Informed, unacquainted, unexpecting a proposition of so extraordinary a nature, as that laid before us by the noble Lord on that day. I felt myself forced from a seat of silence, which perhaps would then have, and might still better become me; but which I should have thought, under such circumstances, it would have been shameful to have continued.

After having maturely considered the resolution, whether, on the principles of accommodation with American demands, or on the principles of enforcing the authority of this country, I think it nugatory and humiliating. Does the noble lord really think, that a people who deny all right of taxation will be satisfied with having the mode of taxation left to them? Does he not think, the Americans will feel themselves as effectually put under contribution as any town or country ever yet was, in any state of open war? Will he presume to call that an amicable plan, which asks for contribution at the mouth of your cannon and point of your bayonets? Sir, by holding out these terms of accommodation, ridiculous in themselves, and nugatory in their effect, by making the first offer to treat with those men you have just declared rebels, you will lower the dignity of this country; you will bring your government into contempt, and, by the insult of the offer, irritate, not appease, that spirit which you are now about publicly to declare to the whole world you tremble to encounter. This, Sir, I am confident, is the light the Americans will see it in; and these are the principles on which they are expected to accommodate.

I will now, Sir, beg permission of the House to make a few remarks on the resolution itself, and for this purpose I must beg leave to refer to it. Sir, I would beg leave to ask of the noble lord, what consequences he means to draw from these words of the resolution, "According to the condition, circumstances, and situation of such province or colony, for contributing their proportion, shall be approved;" and I hope, if my questions should not appear as pertinent to the House as they do to me, it will be recollected under how many disadvantages a young man, unacquainted with parliamentary proceedings, unacquainted with parliamentary language, must labour. Before I give my assent to any measure, I ought to inform myself what is meant to be founded on that measure, and what consequences are meant to be drawn from it; for, by these means alone I can judge of the propriety or impropriety of the measure. I do not doubt, therefore, that the noble lord will answer me with as much candour, as I shall ask with diffidence. Now the words I would wish to draw the attention of the House to are these: "According to the condition, circumstances, and situation of such province for contributing their proportion, shall be approved." Sir, the questions I would ask are these: Is this proportion to be annually offered by the colonies, and annually refused or accepted by parliament? Or is it in the

first instance to be settled for a certain period of years, or is it to be settled for ever ?

These questions demand a serious answer : in the first case, you perpetuate the seeds of discord, and lay the foundation of a dispute that can never end, but in a total convulsion of the British empire. In the second case, adopting a temporary expedient, you withdraw your own shoulders from a burthen you have no resolution to bear, leaving the great point in dispute as unsettled as you found it, leaving it to arise at that fixed period, whenever that period shall arrive, to be the cause of new disturbances, new quarrels, and fresh bloodshed. If you settle it for ever, do consider what a miserable bargain you are contending for. The Americans are supposed to double in twenty years ; it is but reasonable to suppose, that their wealth and opulence will increase in proportion ; that, therefore, what would be a reasonable proportion now, will, in a few years, become, comparatively with their increased wealth, a miserable pittance.

I must here take notice of an argument the noble lord has enforced more than once, with great weight ; it is, that these terms are such as should be offered, after the most complete victory. For the sake of the argument, I will agree with the noble lord, and therefore conclude, that they are improper to offer before the victory. That, Sir, which is generosity, which is magnanimity after victory, is timidity and foul disgrace before it. There may be situations, Sir, in which states may be found where they cannot, without certain ruin, acquiesce even in just claims ; there are situations too, in which states may grant more than is asked, and give more than is desired, with honour, security, and advantage. The first of these situations precede great commotions ; the second succeed complete victory. I remember, Sir, the Romans, in a war they had with the Italian states, granted them, when conquered, those privileges which, with a firmness peculiar to their nation, with a firmness that led them to universal empire, they haughtily refused them before their contest.

I will now tell the noble lord the effect these propositions have had on the minds of the people. I will not take upon me to say what confidence the people reposed in administration before, but I will take upon me to say, that whatever confidence they might repose in administration before, it is now entirely done away ; they no longer expect to find firmness, resolution and unanimity in the councils of the King's servants, they have seen them weak, irresolute, dissatisfied ; for the reception these propositions met with

within these walls, I will appeal to the apparent, undeniable, unequivocal effects they had at their first opening, on the members of this House. I will recall to the noble lord's memory, the feelings he must have had, during those awful moments in which the common sense of the House stood amazed at the propositions that were held out to her, when uncertainty, surprise, distraction, was seated on every countenance, when the doctrine held out to us, was so new and unheard of, so contrary to every principle we had been thought to adopt, that no man could guess at the opinion of his neighbour, when those, who had relied on that firmness, which the noble lord had so often and so publicly pledged, turned pale with shame and disappointment, when within the space of a few awful moments, the dignity of government and the honour of this country, were given up for ever. That this was the immediate effect, I believe every gentleman that hears me and was present on that very extraordinary day must admit. I have expressed myself warmly, I felt and do still feel my disappointment warmly; I estimated the noble lord's public wisdom, prudence, and above all his political resolution, at as high a rate as I honoured, and do still honour, those private virtues which adorn his character, and which shine illustriously pure amidst a licentious and a dissipated age.

I will address a few words to the honourable lord, and have done; I will tell him that decision and resolution, even when employed to but indifferent purposes, render their possessor respectable; I will speak with tenderness, I will not tell the noble lord what effect, even with the best intentions, the contrary qualities will have.

I will conclude with telling the noble lord, that if he adopts a decided line of conduct, he will have decided friends, and he may still stand on firm ground; but that if he continues to waver between both, he will fall to the ground unsupported by either.

Hon. Henry
Temple Luttrell.

Hon. Mr. Temple Luttrell. Upon a former occasion I presumed to state a few of my sentiments to the House, relative to the war impending over the Americans, because I was sure I could not answer it to my own feelings. I thought I could not answer it to my country, had I neglected at the very earliest moment that might offer, to declare my utter abhorrence of those unconstitutional, arbitrary, and diabolical projects, devised by his Majesty's ministers for the destruction of that unhappy people.

I flatter

I flatter myself a certain illustrious character may soon be left out of this opprobrious list of projectors ; there seems to be a divine gleam of radiance coming round his temples ; and I foresee almost, if not altogether, as marvellous a conversion into the right path, as that which happened in days of yore to the great persecutor of the christian followers on the plains of Damascus.

To what black storm in the political firmament we are indebted for this sudden change, I, Sir, move in too contracted a sphere to discover ; but the noble Lord will allow me to tender him my hearty congratulations, that he is at length awakening to that clemency, and to that justice, which will best agree with the innate temper of his heart. There is a long line of statesmen seated in firm array not far from your chair, who have, ever since the birth of this parliament, uniformly shrunk (and I am sure their consciences always must shrink, whatsoever their politics or their eloquence may do) from the great American question ; they have wished to defer to the latest hour possible, all discussions of this critical topic, in hopes, as they term it, to learn what is actually doing on the other side of the Atlantic. Sir, I can inform them, there rises not a sun in that hemisphere, but sets to such additional grievances and outcries, as the most soothing future concessions, the most exemplary future sacrifices on your part, will scarce be able to atone for.

However grating to the ears of some individuals the subject may be, I shall take the liberty, with the indulgence of the House, to affirm, that these measures of compelling the Americans by force of arms to acknowledge the paramount and unlimited authority of parliament, in the taxation of their property, a property created by their faculties, and by their industry, are not *just*, are not *politic*, are not *practicable*, but a traitorous infringement on the constitution of the colonies, which rests upon the same fundamental principles that uphold the property and uphold the franchises of every native of this island.

Sir, I ever will contend, that the united parliaments of England and Scotland cannot legally impose a tax on the subjects in any other part of the British dominions, without the consent of such subjects, either by themselves in person, or by their representatives. Let the champions of despotism rail themselves of all their knowledge and sophistry, I will venture to maintain this proposition, not arrogantly presuming on my talents or skill to manage it, but on its own clear intrinsic

intrinsic merits, and the conviction that to every dispassionate mind must naturally result from its investigation.

The coercion proposed militates against the privileges of all emigrants of their description, from the time of the patriarchal disjunctions to this day; emigrants who carried with them (as their *penates*) certain inherent rights natural to mankind, immutable and unalienable; confirmed to them for an heritage, by that blessed constitution of Saxon contexture under which they were born.

Laws established on first necessity and impotence between them and the present state, either by express or tacit assent, were not of an universal, indefinite obligation, they were of a *fiduciary* nature (of the nature of a trust) adapted to the comparative state of the contracting parties, for the purpose of temporary expedience, and must of course vary conformable to such other relative alterations as lapse of time and the vicissitude of human affairs may effect.

Acts of parliaments, or other diplomatic titles, may be produced to shew a formal, and perhaps uncontested assumption of power at some given period of time, but will not countervail the primeval and indefeasible rights of mankind, whenever such rights shall be asserted by a clear major part of the community. On *this* ground, and *this* ground only, rests our spiritual reform under Harry the VIIIth, and that most glorious of all civil revolutions — the Revolution by which James II. lost the throne of these realms.

Those gentlemen who plead for the omnipotence of parliaments, and the infallibility of their codes, should advert to the many absurd, contradictory positions and doctrines laid down during the contention of the several pretenders of the Plantagenet line, and afterwards of the heiresses of the House of Tudor.

In fact, Sir, your statutes of those days borrowed too frequently their maxims and complexion from whatsoever brow might happen to be encircled with the regal diadem. In the reign of king Richard II. a law passed to transfer the power of both Houses of parliament to twelve barons. By an act under one of the Henries, the King's proclamation, with the consent of his privy-council, was thenceforward to carry with it the force and efficacy of a law of the land. And we all know that the parliament of 1641 voted itself perpetual, never to be dissolved nor prorogued but by its own consent; and the act read by an honourable member to the committee on the present resolution, and which he treated with so much deference, because it declared the people of

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the Massachusetts bay in a state of revolt, was passed by this immaculate parliament.

Now, Sir, let us suppose (what in these our uncorrupt days there can be no reason to apprehend) that a statute should be procured by some future minister and minion of the Sovereign, vesting the whole legislative as well as executive power in the crown, totally to abolish both Houses of Parliament; would such statute be valid and binding on the subject throughout Great Britain and America? All persons have natural rights—a *free* people have legal rights, independent of parliamentary edicts, and of which no form of government whatever can deprive them. Laws not founded on constitutional justice, are in themselves null and void; nor are the makers of them legislators, but *usurpers*.

A very wise and learned writer (judge Blackstone) has in his commentaries the following passage: “If the sovereign power advance with gigantic strides to threaten desolation to a state, mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their liberty in a scrupulous adherence to those political maxims, which were originally established to preserve that liberty.”

If the powers and pretensions of a few adventurers and fugitives, occupying about two centuries ago a small corner of a graceless desert, and possessed of none of the good things of this life, are to ascertain the powers and pretensions of three millions of people, spread over a land flowing with milk and honey, and a thousand leagues in circumference, they may, with the same justice and propriety, be brought two centuries hence to ascertain the rights and pretensions of thirty millions, when the inhabitants of this diminutive isle shall scarce reach a fourth part of that number: neither can I own such disparity in the calculation of increase to be at all exaggerated, if we consider the various drains from this country, and the daily influx of persons of both sexes at the very meridian of life into these inviting regions; besides, new settlers usually restrict themselves to hunting and agriculture, to toils which afford vigour to the body, and enterprise to the mind. They live on plain, wholesome diet; their progeny is healthy, and of boundless increase; whereas in nations that have reached their full zenith of luxury, the mass of the people are occupied at sedentary arts and manufactures, drawing in, from morn to eve, an impure, confined atmosphere, or brooding over unwholesome furnaces: hence the vital *flamina* are hurt, the appetites soon appaled, the spirits easily depressed; they

they become enfeebled ere the sand of their mortal glass be half run out ; their offspring is sapless and emasculate.

America has been loudly charged with ingratitude towards the parent country, from whom she received protection during the late conflict of war. 'Tis not quite clear how far the balance of that account is in her disfavour: however, she cannot be so ignorant of the real springs of war or peace, as to persuade herself that your numerous embattled legions, under triumphant fleets sent to her coasts, were supplied purely from motives of parental affection, or sympathetic benevolence. Had, Sir, that vast territory been planted with Portuguese scions, instead of those from your own stock, ponderating as the political scales of Europe then were, would you not have afforded to a people, in their natural and moral character as far from unison with yourselves as discord is from harmony, an equal supply of men and treasure? Remember, Sir, your prowess at the eve of that same war, near the banks of the Tagus.

The love or enmity of one people to another, cannot be estimated by their occasional alliances, compacts, or guarantees, as a body politic. It is but a century ago that our English brigades served with unparalleled ardor in the army of that arch-enemy to civil and religious liberty, Lewis XIV. of France; the execrated revocator of the edict of Nantz; the aspirer to universal despotism. We served, Sir, against a people, whose tolerance and charity of religion, whose whole system and freedom of government we at that very time held in emulative veneration; a people whose assistance we supplicated and obtained, scarce twenty years after, to deliver us from monarchical tyranny.

Such coercion were highly *impolitic*, because it is from the prosperity, peace, and contentment of her colonies, that resources of wealth and laurels of honour are won to a mother country. History teaches us, that populousness and affluence are the product of that clime alone, where the people may reap in security a full harvest of their labour; where they have affluence in their leaders and governors; where no exactions are inflicted by an alien hand; where the *municipal*, if not the *imperial* jurisdiction, together with the power of levying taxes, are vested in substitutes of their own free choice or approbation.

That saying of a despot, "*Oderint dum metuant*," may be applicable to the swarthy sons of the opposite division of the globe; but, Sir, it will never accord with the sentiments of our brethren in America,

Threats

Threats and violence used against hearts of the same sturdy temper with your own, must induce the most calamitous events to both parties. There will be seeds of equal courage and perseverance found in the one battle as in the other, with this difference at the onset, that the arm of the *aggrieved* is usually braced to bolder, more decisive efforts of rage and despair, than that of the aggressor.—“*Aquila non generant columbus.*” Let us, Sir, rather rejoice that our breed has not degenerated; that these colonists have a sense of rational freedom, becoming the sons of such high mettled progenitors.

Ill would it answer your purpose to bring their bodies under a short-lived subjection, and to leave impressed upon their minds an unabating rancour and aptness for revolt.

Revenge is an unchristian passion, yet how rarely do we find the human soul possessed of a sublimer heroism, without this alloy!

Neither, Sir, am I altogether unacquainted with the people of whom I am now speaking. Curiosity once led me to travel many hundreds of miles along their flourishing and hospitable provinces. I found in *most* of them the Spartan temperance, in *many* the urbanity of Athens; and, notwithstanding the base and groundless imputations on their spirit, which the cankered tongue of prejudice and slander has with so licentious a virulence here poured forth against them, they will, I am confident, if set to the proof, evince the Roman magnanimity, ere Rome fell under sceptered usurpation. But, Sir, if a foreign enemy should appear at your gates, and you need their assistance, will there then be found among them many a *Coriolanus*? He stands single as a prodigy of forgiveness, in the annals of a people whose attachment to their native land was carried to the utmost height of enthusiasm. How soon that foreign enemy may appear at your gates, I know not. According to the horological predictions of a most enlightened state soothsayer, we have about seven years more of profound tranquillity with the House of Bourbon to trust to; but, from the symptoms of our domestic distraction, and the improved state of the government and finances of our neighbours, I should judge it prudent to be somewhat better provided than we are at present for an early rupture; not entirely to dismantle our ports and our coasts of soldiers and seamen, sent to immolate the martyrs to liberty of their own flesh and blood, on the distant continent of America.

It has been made evident to you, that a defection of the northern colonies will soon bring on the complete ruin of our West-India settlements, which cannot elsewhere afford-

ably provide themselves with cattle, lumber, and divers other articles requisite for the support of a plantation.

Let us turn our eyes to the inland trading towns here at home; those large iron founderies which used to supply the anchors of commerce and implements for husbandry and the ingenious arts, are now set at work in moulding the sword and the bayonet to enslave America. From the former commissions there accrued constant returns of profit, and numberless comforts; from the latter, what can be expected but poverty, dejection, and mourning! Peace with America will make your thousands of manufacturers and artisans a thriving, obedient people; war with America will make them idle, profligate, and tumultuary. In short, the first open hostilities committed by your troops on that continent, will realize to the race of man, from one extremity of the earth to the other, more fatal evils than were even contained in the fabled box of Pandora.

It is well known, through melancholy observation, drawn from the fate of the Assyrian, Persian, and Roman empires, that national societies, as well as the individual mortals of whom those societies are composed, have their non-age, their adult vigour, and their decline. Whatsoever share of indulgence and independency Great Britain shall, in this her florid and athletic stage, generously bestow on her rising colonies, they will, no doubt, amply repay to her in some future generation, when she is verging towards that awful goal which must close her race of glory.

The military coercion of America will be impracticable. What has been the fate of your famous bills passed in the last session of the deceased parliament? I mean, Sir, the Boston port bill, and the bill for altering the charter of Massachusetts bay. America, as an earnest of her triumph over the future labours for which envy and malice may reserve her, has, like another Hercules in the cradle, already grappled with those two serpents sent for her destruction. Neither shall we be long able to sustain the unhallowed war at so remote a distance;—unexplored deserts, wood-land ambuscades, latitudes to which few of our soldiery have been seasoned;—the southern provinces scarce to be endured in the summer months, the northern provinces not approachable in the winter season;—shipwrecks, pestilence, famine. The unrelenting inveteracy and carnage of York and Lancaster, will here be joined to all the elementary hardships and maladies of a bigot crusade. Shall not such dreadful æras in our earlier chronicle, serve us for beacons at this perilous crisis? The

rather expeditions indeed, undertaken by a few martial zealots on misconceived piety, began to decline at the death of the hot-brained, savage-hearted King, under whom they were first enterprized; and the sluices of kindred blood, which had long inundated the land in the red and white roses, were at length happily put a stop to, by a single matrimonial contract. Now, Sir, who can look forward to a probable epoch in the red volume of time, when the sword drawn in this quarrel shall be sheathed in peace! I can see no end, till slaughter, proscription, extirpation, shall totally have annihilated either one or the other people.

Far be it from me to anticipate by conjecture to either country so dreadful a sentence; but, Sir, without a gift of preternatural foresight, I may remark, that there are features in the aspect of infant America, which denote at maturer years a most colossal force. *The Helvetic and Flemish confederacies* have demonstrated what extraordinary obstacles a small band of insurgents may surmount in the cause of liberty. The Helvetic confederacy consisted of a few straggling peasants, bannered against a mighty prince; yet firmness and desperation supplied that energy, which the best disciplined numbers could not resist.

The tragic scenes of Numantia, and of Saguntum, shew how dire a catastrophe a spirited people will devote themselves, sooner than submit to an unjust dominion. It appears from one of the American letters of a late date brought to your table, that the inhabitants of Boston were inclined to copy in part these dire examples; that they meditated to abandon the town with their wives and families, and the reducing it to ashes.

Did not we ourselves give a very striking proof at the commencement of the 12th century, to what an incendiary height the flame of vengeance might reach, when we invited over, and received into the very center of this island, a whole army of Frenchmen to aid us against a tyrant monarch and his iniquitous counsellors? We owe perhaps that sacred palladium of our liberty, Magna Charta, as much to a Dauphin of France, as to a King of England.

The Americans alledge, that what they now contend for is that reasonable portion of liberty with which they were chartered as their birthright, not by any earthly potentate, but by the King of Kings, "to make their lives happy, in the possession of which liberty they do now hourly invoke that King of Kings, or to make their death glorious in its just defence."

What is the aim and scope of the resolution before you? To lure some of the less refractory provinces of America, to dissociate from, and betray their fellow-sufferers; to join in raising a contribution throughout one half of the colonies, to support your armaments and outrages against the other half, with a view to annihilate trade, cut off every natural channel of livelihood and subsistence, and butcher the disobedient; and how are these seceders to be recompensed for such signal perfidy? Why, by a temporary exercise of certain empty forms and modes of taxation, confirming at the same time a right in the crown and parliament of Great-Britain, to fix the gross amount of all continental subsidies whatsoever; that is, in fact, they are to be still subject to a ministerial majority in this House, which may levy imposts on them, not by any fair scale of proportion to the burthen laid on the mother country, but the demand may perhaps be carried beyond their abilities, or they may be liable to the discharge of an immense national debt. By way of earnest, however, against the numerous abuses in future to which this curious plan lies open, they shall instantly repose entire faith and confidence in the present set of the King's ministers at Westminster, so remarkable for consistency, lenity, and wisdom.

The noble lord on the other side of the House puts me in mind of King Arthur, in our modern dramatic mask, where that first of the British worthies stands balancing between Grimbald and Philadel. He has just caught a glimpse of the cloven foot of the *infernal fiend* by whose dazzling snares and incantations he has been thus long fascinated, and is turning to the fair, heavenly spirit, who would guide him into the ways of happiness and honour. Let him not stop short, but pursue the only track that can save his country—perhaps save himself from perdition.

I should be as strenuous an advocate for the just authority of parliament as any man; but I think we ought candidly and effectually to relinquish all vain pretences to supreme sovereignty, in cases where they are not maintainable on principles of justice, of sound policy, or the constitution of the land.

If you persist in pride and error, what will be the consequence? Intestine enmities will be encreased—devastation and havock must ensue.

When questions of such weight and magnitude as these now in agitation, concerning America, shall come before

you, every member ought to reflect, that the fate of a whole nation may possibly depend on his single vote.

Whosoever gives the power of oppression, is in fact a tyrant—whosoever gives the power of murder, is in fact an assassin.

I am against this resolution, because I think, that so far from extinguishing the flame, it will only throw oil upon it to aggravate its fury; and, however specious, however conciliatory, it may seem at first sight, when it comes to be analyzed on the other side of the water (fashioned as it now stands) it cannot possibly have any other construction put upon it, than that of adding *insult* to *injury*.

Sir P. J. Clerke said he should not be surprised, such was the fluctuating state of our counsels, to see another resolution proposed in a few days, totally contradicting the present, and those persons who are most zealous in support of this resolution, equally warm in support of the next. Sir P. J. Clerke.

Mr. Hartley. I am called upon on this occasion particularly as I made a conciliatory proposition on this subject of the American disputes to the House before Christmas, which I shall, at a proper time, offer to the House as a regular motion. The proposition alluded to, was to make a free requisition to the colonies for a supply towards the expence of defending, protecting, and securing the colonies. The present motion is not free but compulsory; it is attended with menaces and threats, therefore not a lenient or conciliatory measure, but only thrown out as such for a pretext. To say, give me as much money as I wish, till I say enough, or I will take it from you, and then to call such a proposition conciliatory for peace, is insult added to oppression. The proposition which I made before Christmas, was what it appeared, a free requisition. A requisition by a secretary of state is an ancient, legal, approved, constitutional way. It states the case, represents the services necessary to be done, and requires the free aid of the subject for those necessary services, leaving, as a constitutional controul, to the subject whose money is required, the judgment upon the necessity of the services stated, and the right of appropriating the money so granted. How totally different from this proposition is that before us now, which says neither more nor less than this; give me what I ask, leaving likewise the quantity to my discretion, or I will take it by force. Besides, this proposition is a direct breach of faith towards America, who have been assured by a circular letter from the secretary of state, that his Majesty's

Mr. Hartley.

jefty's ministers never meant, nor ever would entertain the thought of raising a revenue in America by taxing—This proposition before us is a direct breach of the public faith so pledged to America, by a circular letter from a secretary of state, in which his Majesty's royal word was particularly plighted. The noble Lord's proposition who was upon the same bench when the above mentioned circular letter was written, is that we will forbear to tax just so long as they will give us a revenue to our content. What is this if it be not extorting a revenue by threats of taxing? The only concession contained in this proposition is that it gives up at once the mode of our proceedings with America for these last ten years, as it confesses that it would be *proper* to proceed in the way of requisitions. This proposition pretends to condemn the exercise of taxation before you have made a requisition at least, and have met with a refusal, though by uniting them in the same proposition, it destroys the very nature of the requisition by making it compulsory. Let us enquire now whether ever North America did refuse to contribute to the common defence upon requisition; so far from it that they ever have contributed in case of necessity, even beyond their abilities, as the records of thanks to them, and retribution for the excess of the zeal and fidelity, which stand annually upon your journals during the late war, do fully and incontestibly prove. Throughout the whole course of this contest since the war, they have over and over offered to contribute to the necessary supply when called upon in a *constitutional way*. I have extracted proofs of these from addresses, petitions, &c. for the whole period of the last ten years. Their petitions you have thrown out of your doors, their repeated addresses, remonstrances, letters and memorials you have treated with contempt. I have now in my hand a score of proofs that they have offered to pay upon requisition according to the utmost of their abilities, if those requisitions were made in a legal and constitutional way. I have collected offers of this kind, and I have got them from, I think, almost every colony. I can shew them repeatedly from Massachusetts Bay, from New York, New Jersey, Maryland, Virginia, Pennsylvania, Carolina, and these repeated from time to time during the whole of this contest. I have them in my hand, and will beg to read them to the House. [*Reads them.*] And to conclude the whole, North America assembled at the continental congress pledge themselves, *that whenever the exigencies of the state shall require a supply, they will as they have always heretofore done, contribute their full proportion of men and money.*

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The terms in which all these offers are expressed, are clear, uniform and explicit. All that they require, is that they may stand upon the footing of freemen and free British subjects, and giving and granting their own money; for these reasons I object to the motion before us, and shall, with the permission of the House, endeavour to put the proposition upon its proper grounds by another motion on some future day.

Mr. Powys wanted to know the sum each colony was to raise, the manner it was to be appropriated, and whether it was to be granted annually, or for a definite number of years. Mr. Powys.

Lord North, was for preserving the right of parliament to tax the colonies; but for transferring the exercise of that right to the colony assemblies. He was for leaving the colonies at liberty to contribute voluntarily to the alleviating the public burdens; and for reserving to parliament, a right of rejecting or increasing those voluntary aids at pleasure. Among other things, he said, if the colonies reject just conditions, they must be reduced to unconditional obedience; that such of the colonies as did not comply with the resolution, would have the acts rigidly enforced against them; that he did not nor could at present, pretend to specify the exact sum they ought to raise, as it would probably fluctuate by bearing a certain proportion to the sums raised in Great Britain; and that whatever propositions they might make, would be received in a legal way from an assembly lawfully and properly constituted, in order to be laid before parliament for their final approbation. In answer to the honourable gentleman, [Mr. Powys] who asked, whether the grant was to be an annual one, or for a term of years, he replied, he could not tell; but for his part he should wish it to be the latter, otherwise it would return to interrupt the public business every session, and consequently, be a perpetual subject of discussion and disagreement. Lord North.

Right Hon. T. Townshend said, that the House were at a loss even so much as to conjecture what were the intentions of administration, or what the present resolutions pointed at; that nothing hitherto offered by the noble Lord had in the least degree operated towards the alteration of his sentiments. He thought the resolution impracticable, whether it meant to enforce obedience, or effect reconciliation. Rt. Hon. T. Townshend.

Sir Richard Sutton said the objects to which the resolution was directed were very apparent. Sir Richard Sutton.

Mr. Charles Turner cited some of the most objectionable parts of the American bills of last session, and said, that they were the most tyrannical and oppressive that were ever passed. Mr. Charles Turner.

Mr.

Mr. Stanley. Mr. *Stanley* said, that some time before the late address of both Houses to his Majesty, this proposal was talked of and approved, by several persons of very high rank in business. Instructions as to the sums to be raised, must undoubtedly be confined to people in confidence. He then proceeded to distinguish between the acts of a congress, and an assembly legally and constitutionally convened, and grounded the whole weight of his argument on that distinction, shewing that it might be extremely proper to agree to propositions made by one, while it would be madness so much as to treat with the other.

Mr. Sawbridge. Mr. Alderman *Sawbridge* was very pointed on some of the expressions which fell from the last honourable member, relative to those who appeared the partizans of America; owned himself of that number, and gloried in the imputation.

General Burgoyne. From the time I have been under orders to serve in America, I have thought it an unbecoming part to give my voice as a judge in any American question, this upon your paper only excepted. But having taken some share in the debates of last year which have been misrepresented, and having appeared in some divisions this year, before I had any knowledge or suspicion of my destination, I anxiously wish to take this occasion to explain the motives upon which I have invariably acted; and notwithstanding the exhausted state of the debate, I rise with confidence in the House, that they will give that indulgence to my situation, which I should have little claim to upon any other pretensions.

Sir, I think an explanation the more necessary, because both without doors and within, allusions and references are making continually to the sentiments of those who are to act in the military department—a very important, but very unenviable lot.

In some of the licentious prints of the times there have not been wanting suggestions to the public, that a sanguinary minister had chosen the generals best fitted by their inclinations to carry havoc and destruction through the continent of America. Within these walls we have been treated very differently indeed: we have found an attention, a respect, a favour of opinion and of expression, that has imprinted upon my mind, and I am persuaded equally upon the minds of my colleagues, a sincere satisfaction and a deep sense of gratitude to gentlemen on all sides of the House. But still, Sir, I have observed through the course of the debate an opinion to prevail that a great latitude of orders is

to be given, and that in acting under such latitude we shall be influenced by the speeches we hear in this place, some of which are supposed to convey the most inflammatory ideas, others, ideas of the most humiliating concession. I do not know, Sir, that any such latitude will be given, at least it will hardly extend to my inferior station. The utmost merit I shall be able to claim in this expedition, will probably be that of an attentive, an assiduous, circumscribed obedience. But I can speak with confidence of those under whom I am to leave this country, as well as of the high and respectable officer who now commands in America; such men will not want the oratory of this House to give a due tone to their spirit or their humanity.

A noble sentiment fell from an honourable gentleman in my eye, [Colonel Barré] "that bravery and compassion were associate virtues;" may they remain blended on the minds of every military man in America; let a persuasion uniformly prevail, that upon a review of our conduct hereafter, by our dispassionate and impartial countrymen, our bravery will be judged by the test of our compassion. Should we inevitably be made the instruments of punishment, let every action of the unhappy conflict be directed and marked by that temper which ever ought to discriminate the correction of the state from the sudden and impetuous impulse of passion and revenge: but with these principles at the heart of every soldier, and these they will be; for there is a charm in the very wanderings and dreams of liberty that disarms an Englishman's anger; with these principles at the heart, care must be taken that the honour, the ascendancy, the impression of the British arms be not insulted or diminished in the hands of those to whom they are intrusted; and while we remember we are contending against fellow subjects and brothers, it must not be forgot we are contending in the crisis, and for the fate of the British empire.

An honourable young member on the other side, * who has entered into the army with a zeal that justly intitles him to the esteem of every officer, and whose parliamentary spirit and talents have this day proved him a most valuable acquisition to this House, asked, early in the debate, Whether it could be supposed, those Americans who denied the authority of British legislature, would accept the mode of taxation proposed by these resolutions? I believe they will not; and I dis-

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* Mr. Ackland.

fer with him so far upon this occasion, as to say, I do not like the resolution the worse upon that account. While it holds out conciliation to those who wish to return to obedience and fidelity, and must be accepted by all rational men and well intentioned subjects, the refusal of it will be as explicitly and decisively declaratory, as any manifesto could express, of the principles on which they act, who continue to resist, and it puts the dispute on clear ground.

Sir, in foreign war, the *conscience* of the quarrel belongs to the state alone. The soldier draws his sword with alacrity: the cause in which he engages rests between God and his Prince, and he wants no other excitements to his duty, than such as the glory of his country, personal honour, and just ambition will suggest. In civil discord, (without enquiring casuistically, whether in any, or in what possible case, a military servant of the crown can be justified [in declining a service to which he is legally commanded]) I believe, a consideration of the cause will find its way to the breast of every conscientious man; and in the execution of his duty, he will find sorrow and remorse on one side, or satisfaction and inward comfort on the other, according to the private judgment he entertains. I perceive gentlemen on every side the House acknowledged the truth of this general observation. Sir, I shall be astonished if any gentleman denies the particular application of it. Is there a man in England (I am confident there is not an officer or soldier in the King's service) who does not think the parliamentary rights of Great Britain a cause to fight for, to bleed and die for? Sir, I will assert, that the professed advocates of America have never ventured to meet this argument fairly. They have always shifted it to collateral enquiries, accusation, recrimination, and examination of the measures by which we have been led into our present dilemma. Sir, past errors may be great and manifest; every administration for ten years past may have had their share. It is not my present purpose to justify any. Enquiries may be very proper, at a proper time: but as a member of parliament, I hold myself indispensibly called upon to take up the question, upon this important, *now* this unparalleled moment in the English history, when we tamely suffered government to be suspended, when we sit here the mere shadow of authority, the phantom of a parliament, assembling only to lament the substance we have lost, and to propose and submit questions of our own impotency.

Sir, another method of evading a debate upon the true merits of this question, has been, to confound the understanding.

Ingenious

Ingenious men will run changes upon real and virtual representation, external and internal taxes, revenue and regulation, till one's head grows dizzy with distinctions, and the most gross absurdities and contradictions become, for a moment, specious. But it is not in rhetoric or sophistry to argue the great rational majority of the people of England out of the plain, simple proposition, which is contained the Declaratory Act of the 6th of the present King. The reason of the nation has been long convinced; the trial now only is whether we have spirit to support our conviction.

Sir, if the whole body of the kingdom does not rouse at this alarm, and shake off that torpitude under which our public spirit has long shamefully languished; if every class and distinction of men do not join in this great cause; if our merchant and manufacturers do not in one instance take example from the Americans, and render it glorious by adapting it to a better cause; if they do not feel insult and affront in the suspicion, that while one country dares the interruption of commerce to effectuate her chimerical claims, the other will not exert equal fortitude to vindicate her fundamental rights; if this be our wretched state, I agree that the sooner a formal surrender is made the better; let Great Britain revert to her primitive insignificance in the map of the world, and the congress of Philadelphia be the legislature to dispense the blessings of empire. Let us spare the blood of our subjects, let us spare the treasures of the state; but let us at the same time confess, we are no more a people.

Sir, after this avowal of my principles it might be thought, that I sought the situation in which I am going to be employed. I publicly declare I did not seek it. I will take leave to say on the part of my colleagues, it was sought by none of us, but it was accepted with that submission which is due from servants of the crown, and with that sense of gratitude to his Majesty which the importance of the trust required. I feel an additional call of gratitude on my own part, for the honour my name receives in being classed with those of the distinguished officers to whom I have alluded.

I will trespass no longer upon the time of the House; with the sentiments I have expressed I take leave of all American questioners, with these sentiments I shall take leave of my country; I shall endeavour to maintain them in arguments if admitted to any intercourse in America. I shall enforce them to the best of my power if called upon to act in the line of my profession; conscientiously convinced that upon the due support of them both here and on the other side the At-

lantice; the existence of this country and constitution, directly, emphatically, and conclusively depends.

Gov. John-
stone.

Governor *Johnstone* replied to several things which dropped from the noble lord; said, that on a former occasion parliament had charged the East India company with eleven millions for ships, forces, &c. sent to their assistance, but owned afterwards it was not so much, and doubted not but that several of the millions now so roundly charged to the account of America, would be discovered to be no better founded, though we even brought the expences of the present formidable armament to account. He supposed, if America, consented to the grants now proposed, that they would in time be managed as the Irish are, and that douceurs out of the sums raised would be distributed with equal success among the colonists, and what could not be effected one way, would surely be carried another: blue ribbons, red ribbons, lords and knights would bring about great things: that the minister well understood to put this House in good humour at all times; and supposed in time, that he would cause this good humour to reach the other side of the Atlantic, though he had hitherto failed in his attempts. He concluded by observing, that there had been no precedent for our obliging the colonies to raise taxes, but the Romans, who plundered those who were under their dominion, and brought the plunder to Rome, which was in the end the cause of the destruction of that once glorious and powerful empire.

Mr. Penton.

Mr. *Penton*, in favour of the resolution. The question was put, and agreed to without a division.

February 28.

Lord Folke-
stone.

Lord *Folkestone* moved that the names of all the members of this House who have delivered in a paper, containing a description of the lands, tenements and hereditaments, by which they qualify themselves to be elected and returned to serve as members in the present parliament, together with such descriptions, be printed. His lordship supported his motion with strong argument, and mentioned some well-known facts; instanced the mode of conveyances and purchases *pro tempore*, in none of which the person qualifying had a permanent interest.

It was answered, that every member had access to those papers, and might have any of them copied whenever he pleased, therefore it was not necessary to print them. The House divided; for the motion 44, against it 87.

A petition of the merchants, traders, and principal inhabitants, of the town and county of Poole, was presented to the

the House, and read ; setting forth, that the petitioners observe, that a petition is presented to the House, from the lord mayor, aldermen, and commons, of the city of London, in common council assembled, against the bill mentioned in the preceding petition ; and that the petitioners beg leave to observe, that the restraints intended to be laid upon the Newfoundland fishery of the colonies, mentioned in the said bill, if carried into a law, will not by any means be injurious to commerce, as the petitioners against the bill conceive, because the foreign markets can be amply supplied, by extending the Newfoundland fishery of subjects resident in England ; and that the annual produce of the Newfoundland fishery carried on by subjects resident in the mother country, exceeds 500,000*l*. and that the Newfoundland fishery of the mother country is a constant nursery of seamen for the navy, that great bulwark of the nation, every fifth man employed being, by the 10th of William the Third, obliged to be a landman, a consideration of infinite weight, the petitioners imagine ; and this the more especially, as the profits of the trade center intirely in this kingdom ; and that the profits of the Newfoundland fishery, carried on by the colonies mentioned in the bill, do not center here, nor is the Newfoundland fishery of the colonies a nursery of seamen for the fleet, because the Americans are not obliged by law to make use of landmen, nor are the American seamen compellable, like the British seamen, to serve their country in times of war ; the petitioners are therefore greatly alarmed, lest a petition from so respectable a body as the lord mayor, aldermen, and commons of London, should operate not only to their prejudice, but to the general prejudice of the kingdom, on a point of such importance to the national prosperity ; humbly submit the foregoing facts to the consideration of the House, and soliciting, no less for their own immediate advantage than for the universal benefit of their country, such encouragement of the British fishery to Newfoundland as the parliament shall think proper.

A petition of the people called Quakers was presented by Mr. alderman Oliver, and read ; taking notice of the bill to restrain the trade and commerce of the province of Massachusetts bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies ; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain

certain conditions, and for a time to be limited ; and that the petitioners are informed, that, in the island of Nantucket, on the coast of New England, there are about 5000 inhabitants, nine tenths of whom are of the people called Quakers ; and that the said island is for the most part barren and sandy, not yielding provision for a twentieth part of its inhabitants ; and that the inhabitants almost wholly depend on the whale fishery for their subsistence, purchasing with the produce of the said occupation, grain and other necessaries from the neighbouring colonies ; and that, if the said bill should pass into a law, these people would unavoidably be exposed to all the hardships of famine, as no provisions can be imported from any of the neighbouring colonies, and their trade, by which they subsist, will be totally prohibited ; and that the said inhabitants, to the best of the petitioners information and belief, are intirely innocent in respect to the present disturbances in America ; wherefore, in consideration of the miseries impending over so large a part of their brethren, and others their fellow subjects, in that island and in the neighbourhood, under the like circumstances, the petitioners intreat the House, that the said bill may not pass into a law, as thereby a most grievous punishment would be inflicted on the innocent, and a body of men, whose occupation is hazardous, their gains uncertain, and their labours necessary to themselves and the community, would be subjected to inevitable ruin and destruction.

And the said petitions were severally ordered to be referred to the consideration of the committee of the whole House to whom the said bill is committed.

The order of the day was read for the House to go into the said committee. It was moved that the Speaker do not leave the chair.

The House divided. Noes — 24. Ayes — 97.

The House resolved itself into the said committee ;

Sir Charles Whitworth in the chair.

Mr. David
Barclay.

Mr. David Barclay called in,

He appears as agent for the committee of North American merchants, and means, with the permission of the committee, to examine some witnesses in support of their petition.

Mr. Brook
Watson.

Mr. Brook Watson called in,

He is a merchant, and has some acquaintance with the fisheries of North America.

Question. What acquaintance has he with that trade ?

Answer.

Answer. I would beg permission in the first place, to acquaint the committee what is the foundation of the evidence I shall lay before them.

In 1765 and the beginning of 1766, I was called to the bar of this House, to give such information as I could with respect to the fishery of North America; from that time I took great pains to get further information on that subject, by writing to my correspondents versed in that business; and in 1766 I went to North America, and there I had corroborated the information I had before received; and from that information I then formed a state of the fisheries, which I would beg leave to refer to. The paper is in my pocket.

The title of the paper is,

State of Exports from Great Britain to, and Fisheries of North America in 1764.

Fisheries of New England, meaning the four provinces.

Produce of the cod fishery. 300 vessels of 50 ton each on an average, each navigated with eight men, caught 240,059 quintals of fish (the quintals being 112lb. each) of which 240,059 quintals, 102,265 was deemed merchantable fish, (i. e.) fish fit for the European market, where freight and all charges upon it at that time, it was valued at 20s. per quintal, the sum of 102,265*l.* The remaining part, being 137,794 quintals, is called Jamaica fish, (i. e.) fish fit for the West India market, and that was valued at 14*s.* per quintal, including freight and charges, and amounted to the sum of 66,455*l.* 16*s.*

The whole quantity of fish, produced 3,600 barrels of cod oil, part of which was carried to the West Indies, and the remainder to Great Britain, and valued at an average at 40*s.* per barrel, making the sum of 7,200*l.* which, added to the sum of the cod fishery, makes 205,920*l.* 16*s.*

Then follows the produce of the mackerel, shad, and alewife fisheries. Ninety mackerel sloops and schooners employed, burthen about 40 tons each on an average, navigated with six men, caught on an average 200 barrels each, making 18,000 barrels for the West India market, valued at 12*s.* 6*d.* makes 20,050*l.*

Ten thousand barrels of shad and alewife for the West India market, at 12*s.* 6*d.* per barrel, makes 6250*l.*

Whale

Whale Fishery.

One hundred and fifty sloops, burthen 70 tons each on an average, three fourths navigated, with thirteen men each, and the other fourth with seven, caught as follows :

Two thousand ton of spermaceti oil sent to Great Britain, and there valued at 24*l.* per ton, makes 48,000*l.*

One thousand five hundred tons of common whale oil, shipped likewise to Great Britain, at 16*l.* per ton, makes 24,000*l.*

Sixty ton of whale fins, shipped also to Great Britain, at 300*l.* per ton, makes 18,000*l.*

Total produce of the whale fishery, 90,000*l.*

Total produce of the New England fisheries in the year 1764, amounts to 322,210*l.* 16*s.*

Then follows the number of tons of shipping, and of men, employed in the New England fisheries.

In the Cod Fishery.

Three hundred cod vessels, of fifty ton each, navigated by eight men, makes 15,000 ton of shipping and 2400 men.

Two hundred and forty thousand fifty-nine quintals of cod fish, taken by those vessels, require 13,225 ton of shipping to carry them to market, each 100 ton of which shipping being navigated by eight men, require 1050 men to navigate them ; thus the cod fishery then employed 28,225 ton of shipping, and 3450 men.

Shipping and men employed in the Whale Fishery.

One hundred and fifty whale sloops, of seventy ton each, three fourths navigated with thirteen men, and the other fourth with seven, is 10,500 ton of shipping, and 1728 men ; 3560 ton of shipping to carry them to market, each 100 ton, requiring eight men to navigate them, makes 3560 ton of shipping, and 284 men.

Hence the whale fishery employed in that year 14,060 ton of shipping, and 2012 men.

Shipping and men employed in the Mackerel Fishery.

Ninety vessels of forty ton each, navigated with six men, makes 3600 ton of shipping, and 540 men.

Thus the whole of the New England fishery employed 45,880 ton of shipping, and 6002 men in 1764.

That is the whole state of the New England fisheries.

Q. Whe-

Q. Whether he believes that the fisheries have increased or decreased since 1764?

A. Believes they have encreased very much.

Q. What markets are the fish sent to?

A. The fish taken by the people of New England is in part sent to the Spanish and other European markets, and the rest to the West Indies.

Q. Has he ever received any remittance from Europe for proceeds of fish—I mean from Spain to Portugal?

A. I do yearly receive remittances from Spain for fish shipped from North America, but not from the New England fisheries.—My trade is not carried on to those provinces.

Q. What is his opinion of what will be the consequence of our not supplying the European markets for one season—whether it probably would not be the loss of that trade?

A. I can only give my opinion on this question. I conceive, that should the New England fishery be stopt, the markets which have been supplied from thence, cannot be supplied from any other part.

Q. Whether he has known any person concerned in the whale fishery on the coast of North America from Great Britain?

A. I shall speak feelingly on that subject—I was concerned in it myself, in the year 1760 or 1761. A considerable sum of money was subscribed to carry on the whale fishery in the river and gulph of Saint Lawrence, and straits of Bellisle, from Great Britain, which money was put into my hands in order to manage and direct the fishery. Ships were to be fitted out from hence; and notwithstanding every precaution was taken, such was the event, that I believe three fourths of the capital was sunk, and the fishery given up.

Q. Whether he knows of any rum of the manufacture of New England sent to Quebec?

A. I have known 1100 ton of British brandy shipped from the port of London in one year, and that trade is now supplanted by the rum trade from New England.

Q. What return do the New England merchants receive for the rum sent to Quebec?

A. A great deal of money, and a little wheat.

Q. Whether the number of men employed in the cod and whale fishery were failors—I mean navigators?

A. I believe there is no constraint by law to oblige people fitting out their ships from New England to employ any number of green men—and that none of them are navigators strictly so called, though I believe them all very good seamen.

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seame. The reason why I think so is, that their cod fishery is fitted out on shares; their men have a share of what they take home: they take none but stout able bodied men, who are accustomed to the seas. The whale fisher can carry none but good seamen, for those vessels which carry thirteen men, do so, that they may man two boats; the others which carry seven men only, can man but one boat; they must be expert rowers, and the few men left in the vessel must know how to work her. As to the people employed in the mackerel fishery, I believe to be young people, by that means trained up for the other fisheries.

Q. Whether the mackerel and cod fisheries are carried on at the same time, or succeed one another?

A. The cod fishery is carried on from February to September (or October I believe)—the mackerel fishery can only last during the Summer months, June, July, and a small part of August.

Q. Whether there are eight men to every 100 ton of shipping actually employed to bring the produce of these fisheries to market?

A. As a merchant, I believe that such vessels as are sent from New England to the Spanish and other European markets with fish, are seldom navigated with less than eight men to the 100 tons. From this kingdom, perhaps, I should navigate them with seven, for our seamen are better and more used to square rigged ships than the Americans.

Q. What sort of vessels are employed in bringing the fish to the European market?

A. I believe the vessels usually employed in carrying fish from New England are square rigged double decked vessels burthen from 120 to 160 tons.

Q. How are they rigged?

A. When I said square rigged vessels, I did not mean sloops and schooners, but ships, snows, and briggs.

Q. Whether briggs and snows are not chiefly employed in that navigation?

A. I can't say whether it is so or not.

Q. Whether briggs and snows do not require fewer men to navigate them than ships of the same burthen?

A. I believe a ship of 160 tons will not take more men to navigate her in the Western ocean, than a snow or brigg of the same burthen.

Q. Whether vessels of 160 tons actually carry 12 men?

A. I believe such as are bound to Europe from New England with fish do not carry less.

Q. Wh

A. 1775.

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Q. Whether he means that the 20s. per quintal is currency or sterling?

A. I meant sterling money of Great Britain.

Q. Is the fish dearer or cheaper now than in 1764?

A. I believe cheaper.

Q. What is the price of New England fish at present?

A. I can't say.

Q. Is the New England fish better than what is taken by ships fitted out from Great Britain?

A. A great deal better.

Q. What are the returns from Spain and Portugal in payment of the fish?

A. Bills of exchange returned to the merchants of London in payment for British manufactures sent by them to North America, and some little part of the proceeds of the fish is returned in salt.

Q. Whether the hooks, lines, and small cables, nets and other materials for carrying on this fishery is not exported from this country?

A. I believe every thing, except salt and the timber of which the vessels are built, is carried from this country.

Q. Is not the net proceeds of the fish remitted to this country?

A. I believe it is.

Q. Whether the circumstance of their catching their fish cheaper has not been the cause of their success? and whether these fisheries could not be carried on out of Newfoundland?

A. The only fishery I was ever engaged in, was the whale fishery, which I never heard was carried on with success out of Newfoundland.

Q. Whether, if a bounty were given on the Newfoundland whale fishery as well as on the Greenland-fishery, the whole fishery might not be carried on as advantageously there?

A. I believe not. My reason is, that the bounty on the Greenland fishery is confined to ships of a certain size; the vessels proper for carrying on the whale fisheries in the American seas are small, swift sailers and easily managed. The whale fishery in the Greenland seas is confined to a certain distance where they are sure of finding whales or not at all; the vessels from North America sometimes take their whales on that coast, sometimes on the coast of Africa, and the Brasils, and even as far South as the Falkland Islands.

N a 2

Q. Whether

Q. Whether most of the Newfoundland fishers don't return to this country to winter?

A. I believe they do.

Q. Whether the whale fishery fitted out from England before mentioned did not fail on account of the ignorance of the people of this country in the spermaceti whale fishery?

A. The fishery which was fitted out under my direction was not for spermaceti whale, but for the bone whale; spermaceti whales are seldom if ever found in the river or gulph of St. Lawrence or the straits of Bellisle.

Q. Whether the fish ships do not carry back the manufactures of Spain and other countries to North America?

A. The returns are very trivial from thence, except in salt.

Q. Whether there might not be other advantageous returns carried back?

A. I have no doubt but there might; but the articles are so bulky that it would be difficult to smuggle them.

Q. If care was not taken by our ships to prevent smuggling, would not such articles be smuggled?

A. If care was not taken to prevent smuggling, the Americans would doubtless smuggle all they could.

Q. Does he not know there is great smuggling in America?

A. I do not know it. I never smuggled.

Q. What are the ships crews composed of, who carry the fish to foreign markets?

A. North Americans, I believe, in general.

Q. Whether the capital employed in the fisheries be North American or English in the greater proportion?

A. I believe there are men of property in North America engaged in the fisheries; but in general the fisheries are carried on with the capital of merchants in Great Britain. I mean that the merchants of Great Britain have given credit to those of North America, and that that credit is partly employed in the fisheries, and that the returns are made in the produce of the fisheries. The information I wish to convey is, that if a merchant of England should trust a person concerned in the fishery of North America, that person failing, the merchant of England would lose his debt, and that this is all the concern the merchants of England have in the New England fisheries.

Q. Do the merchants of England then intrust the North Americans with their property without any views of profit?

A. The

A. The merchant has no doubt of compensation for the risk he runs.

Q. Whether he apprehends that the credit given by the merchant of Great Britain, is for this or that particular trade, or in general?

A. The merchants of England, when they supply goods and necessaries for the fisheries to those of New England, do it on commission, and give them credit for a certain time, if not then paid they receive a legal interest for it till it is paid.

Q. Whether any part of the fishery on the coast of New England, &c. is necessary for the support of the New England people on shore?

A. I believe that very little of the cod-fish is consumed in New England.

Q. Is the shad and alewife a necessary there?

A. I believe in some parts of New England it is.

Q. Whether methods used at Marblehead to cure the cod-fish does not make it more valuable than that cured at Newfoundland?

A. The nature of their cod-fish is such, that the part fit to be sent to Europe is more valuable at many of the Spanish markets than any other fish, and particularly at Bilboa; it is owing to their being obliged to go so far to take the fish; hence it lays so long in the hold of the ship, that it grows more mellow than fish cured immediately after they are taken out of the sea.

Q. Whether the New England people do not cure their fish in such a manner as to make it more valuable?

A. There are natural advantages attending their fisheries which I would explain. They go to take the first fare of fish in the month of February, when the wind generally blows from the Westward, that wind carries them to the bank where they take their fish; the ships going from Great Britain there, would have a much longer voyage, and meet with that contrary wind.

Q. Whence arises the greater value of their fish? Is it from the method of curing it?

A. I believe that all the advantage their fish has over that of Newfoundland, arises from the causes already stated; and in the next place, as they take their fish in deeper water, they take larger fish, which are held in greater estimation; and further I would observe, that vessels carrying on the Newfoundland fishery out of Great Britain are fifteen-sixteenths of them double decked square rigged vessels fit to bring the

the fish to Europe: hence they are not so fit for carrying on the fisheries as the schooners of New England; and if such square rigged double decked vessels were employed in taking the fish, a great part of it might perish before they could get into a place to cure it.

Q. Whether he believes, the method of curing fish in New England does not make the fish better for land carriage than that of Newfoundland?

A. I believe not.

Q. What markets would Bilboa and other Spanish ports resort to for fish, if they could not get the fish of New England?

A. It is hard to say. The Pope might grant them a dispensing power to eat flesh in the time of Lent, and they might not eat fish at all; but if they had not that fish from New England, they could get it from no other place.

Q. Whether the non-importation scheme, if strictly adhered to, would not destroy their fishery?

A. There is no doubt of it.

Q. Whether there are not great quantities of salted mackerel consumed in New England?

A. Believes very little.

Q. How many ships from St. John sail to Lisbon with Baccalxo?

A. Can't say.

Q. How many from New England?

A. Believes the Portugal market takes very little—It goes to the Spanish market—Bilboa he believes takes three fourths.

Q. How is Lisbon and Oporto served with Baccalxo?

A. From Newfoundland totally.

Q. Whether all the ships employed in the fishery for this kingdom do not go to the banks of Newfoundland?

A. I believe they must all go to the banks before they arrive at Newfoundland, where they generally lay up, and carry on their fishery in shallows.

Q. Whether they don't fish in as deep waters, and catch as large cod as the people of New England?

A. The New England fishermen do not all go to the banks of Newfoundland; there are other banks, such as those of the isle of Sable, cape Sable, and the isle of Shoal.

Q. Whether the fish are not as large on the banks of Newfoundland, as in any other place?

A. I have no doubt but the fishing vessels out of Newfoundland, do take as large cod as the New England vessels; but in general not.

Q. What's

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Q. What's the price of a gallon of rum now, at New England?

A. I can't say what is now; but a year back about 1s. 2d. sterling.

Q. What is the price of a gallon of rum at Barbadoes, or any other of the West-India islands?

A. I never had any concern in that trade, I speak at random, perhaps 2s. 4d. or 2s. 6d.

Q. What is the reason that the people in New England, can distill rum cheaper than they can in the islands?

A. They carry cargoes from New England of lumber and fish to the islands, with the proceeds of which they purchase molasses, which they distil into rum, and carry part of it to Africa, where they buy slaves, and carry them back to eat up the fish.

Question repeated.

A. The Jamaica fish which is not fit for the market, they sell at the foreign islands in the West-Indies. The French are not allowed to distil the molasses, therefore they sell it cheap; and take in return fish and lumber, which the New England people would not sell elsewhere.

Q. Whether the fishermen are employed all the year in the same fisheries, or in succession?

A. I did not say the seamen were employed in different fisheries—I said, that the mackerel fishery could only employ them during the summer months; and I will now add, that when the cod fishermen come home, they lay up till they go out again the next season, and the like with the whale fishermen. Some of the ships employed in carrying the fish to Europe may come here from Spain, to load with the manufactures of this country for North America.

Q. Is there not a trade of consequence with the ports of Alicant, Barcelona, and other ports of Spain for inland consumption?

A. I believe that they casually send to such ports; but such is the nature of their fish, that it will not bear land carriage, therefore is generally consumed in their sea ports.

Q. Whether it is not carried to the ports of Italy?

A. I believe very little.

Q. Is there not a trade established in the Baltic from Christianstad and Archangel, in order to rival our fisheries?

A. Fish taken in the Baltic is called stock fish—that is cod cured by the frost, and do not hold in that estimation with our fish.

Q. Whether

Q. Whether if upon a supposition, the trade to the ports of the Mediterranean from America being stopt, it would not give advantage to the trade of the Baltic?

A. A very proportionable consequence.

Q. If Spain could not provide herself with New England fish, could she supply herself any where else?

A. I can't tell.

Q. Will France supply it?

A. France having free access to the ports of Spain, would supply them with mud fish.

Q. Whether the people of Great Britain carry on the Newfoundland fishery with equal advantage with France?

A. No doubt, with much greater advantage.

Q. How, if this restriction takes place, are the West-Indies to be supplied with fish?

A. The West-Indies would not be supplied in that case,

Q. Are Christianstad or Archangel in the Baltic?

A. No.

Q. Is Christianstad in Russia or Denmark?

A. In Denmark.

Q. Does he know of the fish trades established there?

A. I do not; but believe it is particularly in the stock-fish, with which the navy have been supplied.

Q. Is the stock-fish equal to our cod-fish?

A. There is not any salt used in curing stock-fish, and it bears a greater price—it is much drier, and does not weigh near so much in proportion to its bulk.

Q. Is it used in the Mediterranean in the room of our cod?

A. Can't say.

Q. Whether it is for the interest of Great Britain to have the Newfoundland fishery supplied with New England rum, or with British corn spirits?

A. I believe it is the interest of this country, to supply the fisheries with every necessary on the cheapest terms, and that New England rum is supplied them at a much lower price than British.

Q. Whether there is not a trade between Russia and the other powers of the Baltic, with the Mediterranean for stock-fish?

A. I can't say.

Q. Whether it is not exported from Christianstad and Archangel?

A. I don't know whether Spain and Italy use stock-fish or not; that it is exported from those parts I am certain.

Q. Whether

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Q. Whether stock-fish was not formerly used on board the King's ships?

A. I believe it was.

Q. Is it now?

A. Don't know.

Q. How many vessels sailed from New England for the cod fishery, to the banks of Newfoundland?

A. I believe that the vessels from Newfoundland which proceed on the fishery in February, do not generally go so far as the banks of Newfoundland.

Q. Whether the refuse fish and lumber, which goes to the West-Indies, the merchants to whom they are consigned are not sometimes authorized to sell the whole both ship and cargoes, and send home the proceeds to this country?

A. Yes.

Q. From what ports do the shipping employed in the New England fishery, fit out?

A. The greater part of them from Marblehead, Salem, and Cape Anne for the cod fishery, and for the whale fishery from Nantucket.

Q. Whence do they draw the materials for carrying on their fisheries?

A. From Great Britain all.

Q. Whether supposing the trade of New England was stopped for five years, the vessels fitted out in England, for the banks of Newfoundland, would not supply the markets with fish, now supplied by New England?

A. I believe not, and that a very valuable part of the fishery belonging to Great Britain would thereby be lost.

Q. Whether that is matter of fact, or of opinion?

A. Of opinion.

Question repeated.

A. It is not possible for me to say, what will *certainly* be the consequence of such a stoppage.

Q. Whether the banks of Newfoundland and Nova Scotia would not supply the loss of the New England fisheries?

A. Nova Scotia is an infant colony, it has not a capital to support this fishery.

Q. Whether if the New England fisheries were stopped, they could not be carried on from Great Britain?

A. I am of opinion, that the stopping of one fishery, and the creation of another, would take up much time, and in the interval the trade would be lost.

Q. Whether there is not an established fishery on the banks of Newfoundland from the west of England; and if the fisheries

fisheries of New England were stopped, they would not encrease to supply it deficiencies?

A. The west country people carrying on the fishery on the banks of Newfoundland, would no doubt exert their endeavours, but their efforts would fall short.

Q. Why?

A. In the first place, one great material necessary for carrying on the fisheries is men, and you have them not; the next is money, and I am pretty clear their capitals are fully employed: having therefore neither men nor money, nor ships built for the trade, hence I think it could not be carried on.

Q. How do you know they want men?

A. On this foundation, I have given my opinion; that now, when all the ships are supposed to be at home, I have been obliged to pay 38s. per month for seamen, when this time twelve months, I paid only 28s.

Q. How does he know this country will not furnish a capital to carry on this trade to any degree?

A. I have no doubt, but if government would supply men, money, and ships, they will find merchants enough to carry it on.

Q. How does he know the merchants of this country will not furnish money to carry on this trade?

A. Only from general knowledge that the merchants capitals, who are concerned in the fisheries, are already fully employed.

Q. Is the trade of this country carried on by government, in men, ships, or money; or are not the merchants capable of carrying on the trade of this country to any extent?

A. I deliver, that were the New England fisheries to be stopped, the merchants who carry on the Newfoundland fisheries could not furnish, at this time, either men or money to carry on such additional fisheries.

Q. How does he know that?

A. I deliver it as my opinion, from general commercial knowledge only.

Q. Whether he knows there ever was a time, when the trade on the banks of Newfoundland have been stopped for want of men?

A. Have no doubt, but that during the late war, when men were scarce, that the Newfoundland trade decreased; but since the peace it has increased very much, which I attributed to the facility of getting men.

Q. Does

Q. Does he know of any time, when the Newfoundland fishery stopped for want of men?

A. Can't point out the precise time when stopped; but have heard from the Newfoundland people, complaints of the great difficulty of getting men, when the nation was lately arming against Spain.

Q. Whether Nova Scotia and Quebec could not carry on these fisheries?

A. Nova Scotia and Quebec have neither vessels nor men of their own; nor could they be with either but from New England, even should you supply them with all the money necessary for carrying them on.

Q. Whether the New England people do not get our countrymen to fish for them?

A. Believe not.

Q. Whether there is not, among the West Country fishermen, a general complaint of want of employment?

A. Do not know of any such complaint.

Q. Did he ever know it?

A. Don't recollect I ever did.

Q. Whether the people of New England can't fit out their vessels cheaper than those sent from the west of England?

A. I have no doubt but the people of New England can carry on the fishery at a much less expence than any other people.

Withdrew.

Mr. Stephen Higginson.

Mr. Stephen
Higginson.

Q. Of what country is he?

A. From Salem, in the Massachusetts Bay, a merchant.

Q. Whether there is as much corn, and other provisions, produced in that province, as will supply the inhabitants?

A. Apprehend not.

Q. Whether there is sufficient corn, and other provisions, produced in all the New England provinces, for their support?

A. No.

Q. From whence do they receive additional support?

A. From the Carolinas, Virginia, Maryland, and New York chiefly.

Q. Whether he is acquainted with the trade of the fisheries carried on in New England.

A. Not much acquainted with the whale fishery, but have considerable knowledge of the cod fishery.

Q. How many vessels are employed in the cod fishery?

A. About 700 vessels.

Q. Of what burthen are they?

A. Five hundred of them estimated from 40 to 70 tons; the other 100 from about 15 to 40.

Q. How many hands do 700 vessels carry?

A. On an average they carry about six.

Q. How many hands are employed on shore for the cod fishery?

A. About half the number are employed in curing the fish that there is in taking of them.

Q. How many vessels employed in carrying the fishery to market?

A. Should imagine about 350, from 70 or 80 tons, to about 170 or 180; they carry about eight hands, one with another.

Q. What would these people do, if the fishery was stopped.

A. I can't readily resolve that question; suppose they would remain where they are, as long as they could subsist, in hopes of being engaged in their old employment.

Q. But when that hope failed, and they could no longer subsist?

A. Then they will, probably, go elsewhere.

Q. Whether they would settle at Halifax?

A. In general I think not.

Q. Why?

A. Several reasons: one is, the fishermen in Salem, and other towns, are a very quiet and steady set of men. They esteem the people of Halifax to be dissolute, and of a quite contrary turn. I think, therefore, they would not sit down among a people so different in their manners. Another reason is, that they think the *government* of Halifax is *arbitrary*, and have a terrible notion of it. Another, those who have been there, have disliked the country very much, as being inhospitable, and affording but a very hard and coarse fare.

Q. Would they go to Miguelon and St. Pierre, and fish for France?

A. Don't think they would generally; from Marblehead some perhaps would.

Q. Why would they from thence?

A. Because the people there are of various nations, Spaniards, Portuguese and Dutch; but the others are born in the towns where they live, have tenements and freeholds there, and would not leave their place of abode, I conceive.

Q. From whence do the manufactures used in New England come?

A. I

A. I suppose from Great Britain.

Q. How do they pay for them?

A. By the proceeds of the cod and whale fisheries chiefly.

Q. Do you receive molasses in return for fish?

A. A great quantity.

Q. What do they do with it?

A. It is chiefly manufactured into rum; part is consumed in America, and part exported.

Q. Are the merchants of Massachusetts Bay in debt to Great Britain?

A. Certainly.

Q. If the fishery is stopped, what other means of paying their debts?

A. I know of no means, but the articles of pot and pearl ash, lumber, furs, ships, and flax-seed.

Q. What would that be in comparison to the debts?

A. Very small.

Q. Whether supposing the fishery stopped in New England, and allowed in Nova Scotia, they would not follow the fishery in Nova Scotia?

A. I don't think they would.

Q. Whether there is not a constant export of provisions from New England to the West Indies?

A. There is from Connecticut and the Massachusetts; they export cattle and other live stock.

Q. Whether Indian corn is not exported to the West Indies?

A. Don't know that there is any.

Q. Is not provisions carried to Newfoundland?

A. They supply the Newfoundland fishery considerably with rice, bread, and flour.

Q. Why the Spaniards and Portuguese of Marblehead would be more afraid of going to Halifax, than Miguelon and St. Pierre.

A. I don't know that they would.

Q. If they send their fish to Spanish markets this year, would they not bring back the proceeds to America, and not to Great Britain?

A. I imagine the proceeds of the fish would center here this year as usual.

Withdrew.

Called in again.

Q. Whether the Indian corn and flour exported from the bay, for the Newfoundland fishery, is not imported from Carolina, Pennsylvania, and New York?

A. It

A. It is. The bread and corn exported to Newfoundland fishery is not one-eighth part of the corn and flour imported from the southern colonies.

Q. Is not part of the exports to Spain the manufacture of New England?

A. No.

Q. Does he know whether the debt due to the merchants of Great Britain is regularly paid, or not?

A. They have been paid with less punctuality for the four or five years last past, than before.

Q. To what do you attribute that?

A. To their having imported in the years 1770, 1771 and 1772, more goods than was sufficient for their market.

Q. Do the merchants of England still continue to trust the Americans?

A. I know of no instance of their having refused to give them credit.

Q. Whether this bill will enable the merchants to pay their debts better?

A. Certainly not. The alteration will be quite the reverse, and will cut off the source of payment.

Q. Does he understand the state of the French fishery on Newfoundland?

A. Not particularly; but have learnt from our fishermen, that they have of late increased it.

Q. If the fishery from New England was stopped, would not the French have a part of it?

A. Suppose they might.

Q. Is he acquainted with the method of the French fishery?

A. Yes.

Q. Do the French fish for themselves, or buy it of the New England fishermen?

A. I never heard of their buying any.

Q. Can the French cure the fish as well as the New England men?

A. I don't imagine they can; for the same reason, that the Newfoundland fish is not so well cured, the climate being more subject to fogs.

Q. Whether, if the provinces are restrained from fishing, their nets would not rot, and materials become unserviceable?

A. They certainly would, very soon.

Q. Whether, if this bill takes place, the provinces would be in distress for want of provisions?

A.

A. I imagine they will.

Q. Whether the people of Nantucket, who follow the whale fishery, will not be ruined by its being stopped?

A. They must be intirely ruined.

Q. Could the people of Great Britain cure the fish as well as the New Englandmen?

A. They may as dry, but the quality of the fish will be inferior.

Q. Is there not a coast fishery, for the supply of fresh fish?

A. A vast deal; in the sea-ports of Massachusetts Bay, quarter of the people live on fresh fish.

Q. Does it extend to the four provinces?

A. Not in the same degree.

Q. What would become of those articles, pot ash, &c. if not exported?

A. I suppose the manufacture of pot and pearl ash would cease, till the trade opened again.

Q. Whether the non-exportation agreement would not affect the merchants here, as much as the bill?

A. I believe not; those articles being not above three-twentieths of the whole.

Q. Does he know any thing of the sale of the fish in the Spanish ports, and of the consumption inland?

A. Yes.

Q. Whether the New England fish is sent as far inland, as the Newfoundland fish.

A. The early spring fish from New England is sent further, it being much tougher; and, for this quality, a much greater price is given than for the Newfoundland fish.

Q. Do you know this to be fact?

A. I do.

Q. Whether fish cured in Newfoundland, is carried to Portugal, and thence to the Brazils?

A. Can't say.

Q. Whether the non-importation agreement will not prevent their sending the fish to the West India islands?

A. Apprehend not.

Withdrew.

Mr. John Lane. He is a New England merchant.

Mr. John Lane.

Q. What sum of money is due to London only from the four provinces in New England?

A. I believe there may be near a million of money due.

Q. Whether remittances made from those provinces for the last twelve months, have not been as good as heretofore?

A. I

A. I found no great difference.

Q. Whether in case no interruption is given to the trade to New England, that his house will not as freely give credit to their correspondents there, as heretofore?

A. Certainly I should trust them as usual, if there was no interruption in the trade.

Q. How are the remittances usually made?

A. In oil, pot and pearl ashes, whale fins, and from returns for the cod fishery from Portugal and Spain?

Q. Whether the returns are not chiefly made from the fishery?

A. I take the cod fishery to be one third or near one half.

Q. To what sums have those returns amounted in a year?

A. The cod fishery is about 220,000 or 230,000l. and that is half nearly of the remittances; the other articles are as follows—from New England from May 1772 to May 1773, in oil near 100,000l. in pot and pearl ash near 40,000l. furs 7500l. whale fins 5000l. lumber 3500l.

This is to the port of London only.

The whole amount is about 155,000l.

From May 1773 to May 1774, the quantity and value was encreased; oil 114,640l. pot and pearl ash 35,800l. furs 9300l. whale skins 3500l. lumber 2500.

Q. What sum does he think might be returned in these articles in that year?

A. I apprehend about 420,000l.

Q. How long has the debt of 1,000,000l. been accruing?

A. It is very difficult to say; but I suppose a debt to such an amount might accrue in less than three years.

Q. Is not interest paid after the year's credit expires?

A. Yes.

Q. Is it punctually paid?

A. Our interest is paid on a running account; and if we are ever paid, we are paid interest as well as principal.

Q. Can a constant losing trade be carried on?

A. We have other resources in this trade; namely in ships built purposely for sale, with their freights from the West Indies; besides bills of exchange in return for lumber; but the lumber is to no great amount.

Q. Does this trade yield a profit?

A. It certainly does.

Q. Whether the interest on the principal is not included in the remittances?

A. It certainly is?

Q. How long has the debt of one million been accruing?

A.

A.

A. It is impossible to answer that question ; believe I can only speak with respect to myself ; we never tell one another how long our debts have been due.

Q. Whether you give more than one year's credit ?

A. Never ; but we think ourselves well paid if we receive our money in two years, and then expect interest on our principal.

Q. Whether the merchants of New England must not be ruined and become incapable of paying their debts if this bill should pass ?

A. Yes, if it is carried into a law and remain so.

Q. Whether the nine tenths of all the remittances are not conveyed by means of the fisheries ?

A. I have made no calculation of it, but believe it is not much short of it.

Q. You said that the amount of the fisheries came to about 220,000*l.* in one year ?

A. I mean only the cod fishery, and not the whale fishery ; and both fisheries together are almost our whole dependence.

Q. Whether this million debt has not accrued within these six months ?

A. I can't tell how to answer that question ; we have exported goods as usual for the five or six months preceding the non-importation agreement.

Q. Whether considerable fortunes have not been made in this trade ?

A. I don't recollect any great fortunes made ; that is, I don't remember any person retiring from this trade on having made an easy fortune by it.

Q. Are there more failures in that trade than in any other ?

A. I think not ; the trade is confined in a few hands ; I recollect only one house having stopped payment.

Q. Is it now in fewer hands than formerly it was ?

A. By the failure of that house it is lessened, but not more than that one.

Q. Have not many withdrawn themselves from this trade ?

A. Some have considerably.

Q. Where ?

A. At Bristol.

Q. Why have they done so ?

A. I can give no particular account why ; the Bristol people use to complain of want of remittances.

Q. Would a merchant withdraw himself from a gaining trade ?

A. Certainly not.

Q. Whether quick returns, on small profit, are not the life of trade?

A. It certainly is; but we have not had such good fortune with America: but quick returns can't be had, in the nature of things, from Massachusetts Bay.

Q. Whether the trade to New England has been encreasing, or decreasing?

A. Increasing for several years.

Q. Can a trade encrease without adequate payments?

A. The payments are adequate, though they come slowly.

Q. Whether trade in a few hands, is as beneficial as when it is in more hands?

A. Don't know how to answer this question.

Q. Whether he is acquainted with Mr. Reeve of Bristol?

A. Yes; he was a North American merchant, and carried on as large a trade as any house in London.

Q. Was he not ruined by the American trade?

A. He had many bad debts, and therefore could not satisfy the demands on him.

Q. Has he not heard, that his misfortunes proceeded from other causes?

A. Has heard so.

Q. Whether the merchant who gives improper credit must not be ruined by that trade in which he gives such credit?

A. This is the case in every trade in the world.

Q. If the resolutions of the congress should be adhered to will it not equally affect the remittances to the merchants of Great Britain as this bill?

A. I don't think so.

Q. Whether the merchants do not carry on business, as carries, profitably, though the parties to the trade are losers by it?

A. This question, as to the New England trade, is immaterial, as the ships in the trade belong generally to the Americans.

Q. What is the annual value of the exports from Great Britain to New England?

A. About 440 or 450,000l.

Q. In what manner then is the million of debt to be paid off in two years.

A. I said it might be done in two or three years, taking in all our resources,

Q. Whether he apprehends, that in any trade where credit is given, the whole of the debt can be paid at any one time.

A. I don't well understand this question ; I rather think it may be done, but it is not usual.

Withdrew.

Mr. *Seth Jenkins*. He comes from the island of Nantucket ; there are between 5 and 6000 inhabitants there, men and boys, employed in the whale fishery ; they have no other employment there. About 20 families can be maintained from the produce of the island, which is fifteen miles long and three broad. There is only one harbour there, and 140 vessels belong to it, 132 of which are employed in the whale fishery, burthen from 50 to 150 tons. They belong chiefly to the people called Quakers ; nine-tenths of the people on the island are Quakers. They sail at all seasons of the year for the whale fishery ; they fish on all parts of the coast of America, sometimes on the coast of Africa, and the coast of the Brazils, and even as far as the Falkland islands. The longest time of a voyage is twelve months ; some make two or three trips in a year ; I mean those that fish on the coast of America. The island is supplied with corn and other provisions for their support, from Virginia, Carolina, New York, Philadelphia, and Connecticut ; four sail go in a year to North Carolina for provisions and naval stores ; two or three in the constant trade to New York, and two in the constant trade to Philadelphia. They bring back ship-bread and flour. The people of this island receive all their manufactures from Great Britain, chiefly from London, and pay for them by remittances in oil. The whole number of the whale fishery ships from North America is 309 : they come 48 of them from Boston Bay, 8 from Falmouth, 6 from Martha's Vineyard, 55 from Dartmouth, 45 from Rhode Island and Providence, 12 from New York, 3 from Connecticut, 132 from Nantucket.

Q. In case this bill should pass, and the trade was restrained, and fishery prevented, what would the inhabitants of Nantucket do ?

A. I think these people would be induced to stay at home, in hopes that so severe a law would soon be repealed.

Q. When they could no longer subsist on the island, what then would they do ?

A. They must emigrate to the continent, and settle there in the best manner they could.

Q. Would they go to Halifax, and settle there ?

A. No.

Q. Why do you think so ?

A. Because it is a military government, and the soil of the

country is very bad; and there is nothing to induce them to go there.

Q. Whether you have known any vessels go from England to the coast of Africa to fish for whales?

A. Yes, two or three; but they caught no fish. I fancy it was because they did not know how. It requires long experience, the spermaceti whale fishery especially.

Q. If the inhabitants of Nantucket are obliged to emigrate to the continent, and settle there, whether the fishermen would return to the island again?

A. It is impossible for me to tell.

Q. Whether the inhabitants of the island don't depend, for their subsistence, on the fish they catch on the coast?

A. Not so much as on those they catch abroad; some from towns of the provinces do, but not in general.

Q. How long could they subsist without the fishery?

A. Perhaps three months.

Withdrew.

Mr. David
Barclay.

Mr. David Barclay. I will now, with the indulgence of this honourable committee, take the liberty to make a few remarks on the evidence which has been given, trusting, that should I make any improper observations, I shall stand excused, by being in a situation in which I am entirely unaccustomed. By the evidence of Stephen Higginson and Captain Jenkins, I think it was fully proved, that by the operation of this bill, should it pass into a law, the inhabitants of some of the provinces may probably, by the clause which is to restrain their trade, be reduced to famine; and that by the deprivation of their fisheries, that calamity will not only be increased, but a great number of innocent subjects undergo a punishment which they do not deserve, as by their occupation, the majority of them are the most part of the year at sea, and consequently must have been absent from disturbances at home.

That by the evidence of captain Jenkins, the inhabitants of the island of Nantucket, will in a greater degree be effected by the barrenness of their soil, and they are the more to be commiserated, because, had that island remained within the district of the province of New York, as it was originally, they would not have been included in this bill, it being but about sixty years since the island of Nantucket was made a part of the province of the Massachusetts Bay, a circumstance that doubtless many of this honourable committee know: to which may be added, that as the inhabitants are peaceable and industrious, and by the principles of the majority and the occupation of all

they are innocent subjects, it appears extremely hard that they should be included in this severe punishment. When I say principles, I don't mean to be understood, that the people called Quakers have not the same regard for civil and religious liberty, as their fellow subjects, but that their principles lead them to suffer oppression more patiently than others, and not without a hope that their superiors, by proper and respectful remonstrances, may give them relief, for resistance they cannot adopt.

By the evidence of both, it appears, how unfavourable are their ideas of the government and country of Hallifax; how certain it is that these seafaring people will be constrained to emigrate elsewhere for subsistence, and how probable that some of them may go to the French.

By the evidence of Brooke Watson, it appears how extensive the fisheries were in 1764, and by Higginson and Jenkins, how very much they are since encreased.

By the evidence of John Lane, the large debt due from the provinces of New England; and that if the fisheries should be stopped, how little is to be expected from their other means of remittance when compared to the demands on them, from this country.

By Watson, Higginson, and Jenkins, the impracticability of carrying on these fisheries to an equal extent and advantage from Great Britain; and how dangerous it will be to divert out of its usual channel, a certain trade, the advantages of which centre in this kingdom.

From all these combined circumstances, I am led to believe, that this honourable committee will see the impropriety of passing the fishery bill into a law; and I trust will be convinced that the merchants and traders of the city of London do not trouble this House with petitions, but when the necessity of the case absolutely requires it, and that their anxiety to be heard at this bar, before measures are adopted, I say, before measures are adopted, proceeds from the belief, that they have it in their power, to give such information as may enable the honourable House, consistent with its wisdom, its justice, and its dignity, to adopt measures the most advantageous to the landed and commercial interest of the whole British Empire.

March 1.

Committee went through the bill and ordered it to be reported on the 6th.

Ordered that Mr. Benjamin Lister be examined on the report touching the petition from Poole.

Adjourned to March 3.

Lord

March 3.

Lord North presented to the House, by his Majesty's command, the following papers.

Extract of a Letter from Governor Franklin, to the Earl of Dartmouth, dated Perth-amboy, February 1st, 1775.

[Received February 28.]

THE general assembly of this province are now sitting, being convened on the 11th of last month, in order to transact the public business.

At the opening of the session, I had some hopes of prevailing on the house of representatives not to approve of the proceedings of the general congress held at Philadelphia, for which purpose a paragraph of my speech was particularly calculated. But the delegates from this province took the alarm, and used their utmost endeavours with the members, to persuade them to give their approbation to those proceedings, as otherwise one grand end the congress had in view would be entirely frustrated, namely, the preserving an appearance of unanimity throughout the colonies, without which, they said, their measures could not have that weight and efficacy with the government and people of Great Britain as was intended.

The scheme, however, met with some opposition in the house, every member proposing to defer the consideration of it to a future time, or to give their approbation to only some parts of the proceedings of the congress; but by the artful management of those who espoused the measure, it was carried through precipitately, the very morning it was proposed, as your lordship will see by a copy of their resolutions now inclosed, which were all previously prepared for the purpose.

Copy of the Resolves of the Assembly of New Jersey, and of their Address to the Governor.

House of Assembly, January 25, 1775.

MR. Crane, and Mr. Kensley laid before the House the proceedings of the continental congress held at Philadelphia in September last which were read,

On the question whether the house approve of the said proceedings it passed in the affirmative.

Resolved, That this house do unanimously approve of the proceedings of the congress.

Resolved unanimously, That James Kensley, Stephen Crane, William Livingston, John De-Hart and Richard Smith, Esqrs; (or any three of them) be, and they are hereby appointed to attend the continental

mental congress of the colonies, intended to be held at the city of Philadelphia in May next, or at any other time and place; and that they report their proceedings to the next sessions of general assembly, instructing the said delegates to propose and agree to every reasonable and constitutional measure, for the accommodation of the unhappy differences at present subsisting between our mother country and the colonies, which the house most ardently wish for.

Ordered, That Mr. Speaker do transmit a copy of the foregoing resolutions, to the Speakers of the assemblies of New York and Pennsylvania.

Resolved unanimously, That the thanks of this house be given to James Kensey, Stephen Crane, William Livingston, John De-Hart, and Richard Smith, Esqrs; for their faithful and judicious discharge of the trust reposed in them at the last continental congress.

To his Excellency William Franklin, Esq; Captain General, Governor, and Commander in Chief, in and over the Colony of New Jersey and territories thereon depending in America, Chancellor and Vice Admiral in the same, &c.

The humble Address of the Representatives of said Colony in General Assembly convened.

May it please your Excellency,

WE his Majesty's loyal and dutiful subjects, the representatives of the colony of New Jersey, in general assembly convened, have taken into our consideration your excellency's speech at the opening of the present session.

We should have been glad, that your excellency's inclinations to have given us as early an opportunity of transacting the public business as was consistent with our conveniency, had terminated in a manner more agreeable to your design, and more favourable to us, than it really has done on the present occasion. If the petitions which we understand have been presented to you for that purpose had been granted, we should have had a meeting more convenient to us than the present, and that meeting, perhaps, would have prevented some of those "alarming transactions" which your excellency's apprehension of your duty leads you to mention to us, as having happened in this colony. We thank you for your intention to oblige us, but that it may not be so entirely frustrated in future, permit us to inform you it will be much the most agreeable to us, that the meeting of the house, to do the public business, should not be postponed to a time later than when the bill for the support of government expires.

We are sorry to hear, that in your excellency's opinion, there has been of late any "alarming transactions" in this and the neighbour-
ing

ing colonies, our consent to and approbation of which may lead the good people we represent into "anarchy, misery, and all the horrors of a civil war." It is true, you are pleased to tell us, that this destructive mode of proceeding has been adopted but in part by some of the inhabitants of this colony. We assure you that we neither have, nor do intend, to give our approbation to the measures destructive to the welfare of our constituents, and in which we shall be equally involved with them; their interests and our own we look upon as inseparable, no arguments are necessary to prevail on us to endeavour to prevent such impending calamities; and if we should at any time mistake our duty so much, we hope your regard to the people will induce you to exert the prerogative, and thereby give them the choice of other representatives, who may act with more prudence. The uncertainty however, to what "alarming transactions" in particular you refer, renders it sufficient for us to assure you only, that we profess ourselves to be the loyal subjects of the King, from whose goodness we hope to be relieved from the present unhappy situation; that we will do all in our power to preserve that excellent form of government under which we at present live, and that we neither intend to usurp the rights of others, nor suffer any, vested in us by the constitution, to be wrested out of our hands by any person or persons whatsoever.

We sincerely lament the unhappy differences which at present subsist between Great Britain and her colonies. We shall heartily rejoice to see the time when they shall subside on principles consistent with the rights and interests of both, which we ardently hope is not far off; and though we cannot conceive how the separate petition of one colony is more likely to succeed than the united petitions of all, yet, in order to shew our desire to promote so good a purpose by every proper means, we shall make use of the mode pointed out by your excellency, in hopes it will meet with that attention which you are pleased to assure us will be paid to the representatives of the people.

We have already resolved to support his Majesty's government; and we beg leave to assure your excellency, that though we are warmly attached to that liberty, which as subjects of our august monarch, we apprehend ourselves to be justly entitled to, and firmly resolved to preserve it by every constitutional means in our power, yet we shall with pleasure lay hold of every proper occasion to manifest that loyalty to his person, and regard to the constitution, which as subjects and free men can be reasonably expected from us.

By order of the House,

House of Assembly, Feb. 21st, 1775.

CORTLAND SKINNER

SPEAKER

Extract of a Letter from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, the 30th of January 1775.

NO public occurrences of any consequence have lately happened within this government, except that a convention of deputies from most of the counties of this province was held in this city last week, in order to consult on the most effectual measures for carrying into execution the association of the continental congress. They have just published an account of their proceedings, and I beg leave to inclose a copy of them for your lordship's particular information.

Copy of Proceedings of a Provincial Convention held at Philadelphia.

At a provincial convention for the province of Pennsylvania, held at Philadelphia, January 23, 1775, and continued by adjournments from day to day to the 28th.

P R E S E N T,

For the city and liberties of Philadelphia.

John Dickenson, Esq.

Thomas Miffew, Esq.

Charles Thomson, Esq.

John Cadwalader, Esq.

George Clymer, Esq.

Joseph Read, Esq.

Samuel Meredith,

William Rush,

James Mease,

John Nixon,

John Cox,

John Bayard,

Christopher Ludwig,

Thomas Barclay,

Richard Bache,

John Benezet,

Nicholas Rush,

William Bradford;

James Boys,

James Robinson,

Samuel Eyre,

Benjamin Biddle,

William Heysham,

James Miligan,

John Wilcox,

Sharp Delany,

Francis Gurney,

John Purviance,

Geo. Schlosser,

Jonathan B. Smith,

Francis Wade,

Lambert Cadwallader,

Reynold Sheen,

Samuel Penrose,

Isaac Coates,

William Coates,

Blaithwait Jones,

Thomas Pryor,

Samuel Massey,

Robert Towers,

Henry Jones,

Joseph Wetherill,

Robert Knox,

Francis Hassenclever,

Qq

Thomas

Thomas Cuthbert, Sen.
William Jackson,
Isaac Melcher,
Joseph Copperthwaite,
Joseph Dean,
Benjamin Harbeson,

James Ash,
Benjamin Loxley,
William Robinson,
Riclost Alberston,
James Irvine.

Philadelphia County.

George Gray, Esq.
John Bull, Esq.
Samuel Ashmead, Esq.
Samuel Ervine, Esq.
John Roberts,
Benjamin Jacobs,

John Moore, Esq.
Samuel Miles, Esq.
Edward Milnor,
Jacob Laughlan,
Thomas Ashton,
Melchior Waggener,

Chester County.

Anthony Wayne, Esq.
Hugh Lloyd,
Richard Thomas.
Francis Johnson, Esq.
Samuel Fairlamb,

Lewis Davis,
William Montgomery,
Joseph Musgrave
Joshua Evans,
Persifer Frazer.

Lancaster County.

Adam Simon Kuhn, Esq.
James Climson, Esq.
Peter Gruble,

Sebastian Graaf,
David Jenkins,
Bartram Galbraith.

York County.

Joseph Smith, Esq.
Thomas Hartley, Esq.
Joseph Donaldson,
George Eichelberger,

John Hay,
George Irvin.
Michael Smyser.

Cumberland County.

James Wilson, Esq.

Robert Magaw.

Berks County.

Edward Biddle, Esq.
Christopher Schutz,
John Patten, Esq.
Baltzar Gehr, Esq.

Jonathan Potts, Esq.
Mark Bird, Esq.
Sebastian Leven,



Northampton

Northampton County.

George Taylor, Esq.
John Oakley,

Peter Kuchlain,
Jacob Arndt, Esq.

Northumberland County.

William Plunkett, Esq.

Casper Weitfell, Esq.

The chairman of the Philadelphia committee opened the convention by explaining the motives which induced said committee to propose holding this convention.

Joseph Reed, Esq. was chosen president of this convention.

Messrs. Jonathan, B. Smith, John Benezet, and Francis Johnson, Esq. were chosen secretaries.

On motion, resolved unanimously, that the committee of the city of Philadelphia, and each county committee, shall have one vote in determining every question that may come before this convention.

Resolved unanimously, that this convention most heartily approve of the conduct and proceedings of the continental congress; that we will faithfully endeavour to carry into execution the measures of the association entered into and recommended by them; and that the members of that very reputable body merit our warmest thanks, by their great and disinterested labours for the preservation of the rights and liberties of the British colonies.

On motion, resolved unanimously, that it be, and it is hereby recommended to the several members of this convention, to promote and encourage instructions or advice from their several counties, to their representatives in general assembly, to procure a law prohibiting the future importation of slaves into this province.

Resolved unanimously, that in case the trade of this city and liberties of Philadelphia shall be suspended in consequence of the present struggle, it is the opinion of this convention that the several counties should, and that the members of this convention will, exert themselves to afford all the necessary relief and assistance to the inhabitants of the said city and liberties, who will be more immediately affected by such an event.

Resolved unanimously, that if any opposition shall be given to any of the committees of this province in carrying the association of the continental congress into execution, the committees of the other counties, in order to preserve the said association inviolate, will give all the weight and assistance in their power to the committee which shall meet with such opposition.

Resolved unanimously, that it is the most earnest wish and desire of this convention, to see harmony restored between Great Britain and the colonies; that we will exert our utmost endeavours for the

the attainment of that most desirable object. That it is the opinion of this body, that the commercial opposition pointed out by the continental congress, if faithfully adhered to, will be the means of rescuing this unhappy country from the evils meditated against it. But if the humble and loyal petition of said congress to his most gracious Majesty should be disregarded, and the British administration, instead of redressing our grievances, should determine by force to effect a submission to the late arbitrary acts of the British parliament, in such a situation we hold it our indispensable duty to resist such force, and at every hazard to defend the rights and liberties of America.

Whereas it has been judged necessary for the preservation of our just rights and liberties, to lay a restraint upon our importation; and as the freedom, happiness and prosperity of a state greatly depend on providing within itself a supply of articles necessary for subsistence, cloathing and defence, a regard for our country as well as common prudence, call upon us to encourage agriculture, manufactures and œconomy. Therefore this convention do resolve as follows:

Resolved unanimously, that from and after the first day of March next, no person or persons should use in his, her, or their families, unless in cases of necessity, and on no account sell to the butchers or kill for the market, any sheep under four years old; and where there is a necessity for using any mutton in their families, it is recommended to them to kill such as are the least profitable to keep.

Resolved unanimously, that we recommend the setting up of woollen manufactures in as many different branches as possible, especially coating, flannels, blankets, rugs or coverlets, hosiery and course cloths both broad and narrow.

Resolved unanimously, that we recommend the raising and manufacturing of madder, woad, and such other dye-stuffs as may be raised in this province to advantage, and are absolutely necessary in the woollen manufactories.

Resolved unanimously, that each person having proper lands should raise a quantity of flax and hemp, sufficient not only for the use of his own family, but also to spare to others on moderate terms. And that it be recommended to the farmers to provide themselves early with a sufficient quantity of seed for the proposed increase of the above articles of hemp and flax.

Resolved unanimously, as salt is a daily and almost indispensable necessary of life, and the making it among ourselves must be esteemed a valuable acquisition, we therefore recommend the making of it in the manner used in England and other countries, and are of opinion it may be done with success in the interior parts of the province, where there are salt-springs as well as on the sea coasts.

Resolved

Resolved unanimously, that saltpetre being an article of great use and consumption, we recommend the making of it, and are further of opinion it may be done to great advantage.

Resolved unanimously, that the necessity we may be under for gunpowder, especially in the Indian trade, induces us to recommend the manufacturing that article as largely as possible, by such persons who are or may be owners of powder-mills in this province.

Resolved unanimously, that we recommend the manufacturing of iron into nails and wire and all other articles necessary for carrying on our manufactures, evidently in general use, and which of consequence, should our unhappy differences continue, will be in great demand.

Resolved unanimously, that we are of opinion that the making of steel ought to be largely prosecuted, as the demand for this article will be great.

Resolved unanimously, that we recommend the making of different kinds of paper now in use amongst us, to the several manufacturers, and as the success of this branch depends on a supply of old linen and woollen rags, request the people of this province in their respective houses may order the necessary steps to be taken for preserving these otherwise useless articles.

Resolved unanimously, that as the consumption of glass is greater than the glass-houses now established among us can supply, we recommend the setting up other glass-houses, and are of opinion they would turn out to the advantage of the proprietors.

Resolved unanimously, that whereas woolcombs and cards have for some time been manufactured in some of the neighbouring colonies, and are absolutely necessary for carrying on the hosiery and clothing business, we do recommend the establishing such a manufactory in this province.

Resolved unanimously, that we also recommend the manufacturing of copper into sheets, bottoms and kettles.

Resolved unanimously, that we recommend the erecting a greater number of fulling-mills, and mills for breaking swingling and softening hamp and flax. And also the making of grind-stones in this country.

Resolved unanimously, that as the brewing of large quantities of malt liquors within this province would tend to render the consumption of foreign liquors less necessary, it is therefore recommended, that proper attention be given to the cultivation of barley. And that the several brewers, both in city and country, do encourage it, by giving reasonable and sufficient price for the same.

Resolved unanimously, that we recommend to all the inhabitants of this province, and do promise for ourselves in particular, to use
our

our own manufacturès, and those of the other colonies, in preference to all others.

Resolved unanimously, that for the more speedily and effectually putting these resolves in execution, we do earnestly recommend societies may be established in different parts; and are of opinion, that premiums ought to be granted in the several counties to persons who may excel in the several branches of manufactory. And we do further ergage, that we in our separate committees will promote them to the utmost of our power.

Resolved unanimously, that if any manufacturer, or vender of goods and merchandizes in this province, shall take advantage of the necessities of his country, by selling his goods or merchandize at an unusual and extravagant profit, such person shall be considered as an enemy to his country, and be advertised as such by the committee of the place where such offender dwells.

Resolved unanimously, that we recommend the making of tin plates, as an article worthy the attention of the people of this province.

Resolved unanimously, that, as printing types are now made to a considerable degree of perfection by an ingenious artist in Germantown, it is recommended to the printers to use such types in preference to any which may be hereafter imported.

On motion, resolved unanimously, that the committee of correspondence for the city and liberties of Philadelphia, be a standing committee of correspondence for the several counties here represented: and that if it should at any time hereafter appear to the committee of the city and liberties, that the situation of public affairs render a provincial convention necessary, that the said committee of correspondence do give the earliest notice thereof to the committees of the several counties.

Ordered that the proceedings of this convention be sent to the press, and printed in English and German, under the direction of the president, and Messrs. Jonathan B. Smith, and John Benezet.

A true Copy.

JONATHAN B. SMITH,
JOHN BENEZET,
FRANCIS JOHNSON,

} SECRETARIES.

A petition of the merchants, linen drapers, and principal inhabitants, of the city of Waterford in the kingdom of Ireland, was presented to the House, and read; setting forth, that these petitioners, with the deepest concern for the unhappy differences which at present subsist between Great Britain and her American colonies, and from an apprehension of the fatal consequences which may arise from thence, beg leave to set forth, that, as their export trade with the American colonies consists chiefly in the exportation of the linen manufacture, and that of white and brown linens only, by the non-importation agreement they are deprived of this the only valuable branch of export they are permitted to carry on with the colonies, and of which they already begin to feel the unhappy effects; and that, if the linen manufacture decays, this kingdom must be reduced to such a state, as, from want of employment at home, to encrease emigrations, reduce the value of lands, and diminish every branch of the poor remains of the trade they enjoy; and that the chief commodities which they have liberty to import from America into this kingdom, being flax-seed, lumber, wheat, and flour, should the non-importation take place, they must necessarily be deprived of flax-seed, to raise flax to carry on their linen manufacture, of staves for casks to contain their beef, pork, and butter, for the supply of Great Britain, his Majesty's navy, and the West-India islands; and this train of consequences, so destructive to the landed property, manufactures, and commerce, of this kingdom, and which of course must occasion a very sensible diminution of his Majesty's revenues, from the then absolute inability of the inhabitants, forces them to pray the House would take the premises into their consideration; hoping that some expedient may be found out, whereby these consequences may be prevented, and harmony restored, and established upon a solid and permanent foundation.

Referred to the same committee, to whom the petition from the merchants of London was referred.

Adjourned to March 6.

March 6.

Mr. Benjamin Lister called in, according to order. Says, Mr. Benjamin is a merchant trading to Newfoundland, has traded thither *min Lister.* for thirty-eight years.

Question. Can the foreign markets be supplied, if the New England fishery is stopped?

Answer. They certainly may.

Q. What is your reason for saying so?

A. We

A. We can extend the fisheries to any degree, having men, money, and ships to carry it on.

Q. What number of ships are now employed in the British Newfoundland fishery?

A. About 400 sail, burthen about 36,000 tons; upwards of 2000 fishing shallops, burthen 20,000 tons more.

Q. What number of men are now employed in that trade?

A. About 20,000.

Q. What number of those return yearly to Great Britain and Ireland?

A. About 12,000.

Q. What number of green men are taken out yearly?

A. Three thousand and upwards.

Q. How many quintals of fish are taken annually?

A. Above 600,000 quintals.

Q. What is the value of each quintal, on an average of seven years at market?

A. About 14s. per quintal.

Q. What other advantages arise from the British Newfoundland fishery, besides the cod fishery?

A. Salmon, cod oil, seal oil, and furs.

Q. What quantity of salmon?

A. Three thousand teirces and upwards.

Q. What are they worth per teirce at market?

A. Three pounds five shilling per teirce, or something more.

Q. What quantity of cod oil is made?

A. Three thousand tons.

Q. What is it worth per ton?

A. On an average 23l. per ton.

Q. What quantity of seal oil?

A. About 800 tons yearly.

Q. What is it worth per ton?

A. Twenty-five pounds per ton.

Q. What is the value of the seal skins and furs per annum?

A. Between three and four thousand pounds; but the quantity of seal skins might be more, but for the heavy duty here, which amounts to a prohibition. For which reason so many are not brought to this market as otherwise would be, but they are carried to New England and there manufactured into leather for shoes and boots, &c. and carried back to Newfoundland.

Q. In what manner are the returns made, for the produce of the British Newfoundland cod fishery?

A. Some

A. Some part in the produce of the country to which the fish is sent, and some in specie, others in raw materials, silk, oil, barilla, cotton, and bills of exchange.

Q In what manner do they carry on the fishery in the time of war?

A. In a much less degree than in time of peace, on account of the men being impressed; a great many go to New England to avoid being impressed, and are employed in the fishery there, from whence they do not return.

Q. You said that 20,000 men are employed yearly in this fishery, how happens it that only 12,000 of those return to Great Britain or Ireland?

A. The other 8000 remain in Newfoundland, and are employed in building boats, shallops, in catching furs, and in the seal fishery which is carried on in the winter.

Q. The residence then you think of the 8000 men there is necessary for carrying on the British fishery?

A. Yes, I think it is.

Q. Whether the ships fitted out for the Newfoundland fishery from Great Britain, are not fitted out at one third more expence than those from North America?

A. I am no judge of that matter.

Q. How many men are employed to 100 ton of shipping, on an average?

A. I have not considered that matter.

Withdrew.

Mr. Rice moved to add a clause to the bill, that nothing in it should extend to any whale-ships, which sailed before the first of March, and were at that time the property of the people of Nantucket. He did it on a principle of humanity: the people on the island were 6000, and there was not provision for 500. Mr. Rice

Sir Richard Worsley seconded the motion.

Right Hon. T. Townshend ridiculed the idea of humanity. Right Hon. T. Townshend. Administration, he said, no doubt understood that as the people of Nantucket were whale-fishers, they could live upon whale-lubber.

Col. Barré observed the clause was ineffectual, it would not give the relief it pretended. Col. Barré,

Clause agreed to.

A motion was made, that the bill be engrossed.

Lord Howe expatiated on the necessity of the measure, as the only moderate means of bringing the disobedient provinces to a sense of their duty, without involving the empire in all the horrors of a civil war. Lord Howe,

R r

Mr.

Mr. Fox. This bill must have been calculated to put an end to all that remains of the legislative authority of Great Britain over America. That it must be intended to shew to the colonies that there was no one branch of supreme authority, which parliament might not abuse in such a manner, as to render it reasonable to deny, and necessary to resist it. To prove this he went through the history of the several steps, by which the authority of parliament was denied, by having been abused.

At first, said he, the Americans being pressed by parliament's not chusing to leave them their old privilege, whether that privilege was by law, custom, or mere indulgence, of taxing themselves internally, they denied only our right of internal taxation. However, it was soon proved to them, by argument and practice, that an external tax could be made to answer all the purposes, and to produce all the mischiefs, of internal taxation. They then denied the right of taxing for supply. Parliament next proceeded violently to deprive them of their charters, and to make other acts relative to their trials; then they denied your power of internal legislation. But still in the midst of all their violence and all their provocation to it, they never hitherto have formally rejected the power of parliament to bind their trade. But the British legislature is now to convince the Americans, that if but a single branch of legislative power is left to this country, we can make that single power answer all the purposes of a power to tax.

This bill, which is to restrain their commerce until they submit, until they cease to resist our taxing authority, and indeed whatever else is thought fit to be imposed on them will convince, he said, the Americans, that this power, thus used, may be made by far the most oppressive, and worse than any of those they had hitherto denied.

He was quite satisfied, that the bill was meant for nothing else but to exasperate the colonies into open and direct rebellion. Hitherto rebellion was only asserted, and that ambiguously, of one colony. It would from this bill probably become apparent, and universal in all; and thus give opportunity for drawing the sword, and throwing away the scabbard.

He indeed acquitted the ministry of a design of raising rebellion for the mere purpose of havoc and destruction. He said, that as by their injudicious measures they had brought the colonies into a state of the greatest disobedience, disorder and confusion, without being at the same time within the legal description of rebellion, this was a state of things full

the greatest difficulties, and in which it required the greatest nicety to conduct government. But when things were brought to the length of rebellion, the course of proceeding, however desperate, was simple and obvious. And now, as by this act all means of acquiring a livelihood, or of receiving provisions was cut off, no other alternative was left, but starving or rebellion.

Mr. *Jenkinson* drew a very different inference from the fact of the progressive detail of the several parts of our legislative authority in America. That fact, so strongly stated by Mr. Fox, shewed clearly that the colonists aimed at a rebellious independence from the beginning—for having at first only denied our right of internal taxation, when that right was modelled to their own pretences, they quarrelled just as violently with this mode as with the former. Afterwards, when their multiplied disorders had made internal regulations necessary, they denied the power of making these regulations. They first provoked penalties by their disobedience, and then denied the right of the power which had been put under a necessity of inflicting those penalties. The reasons, he said, alledged in censure of the acts of legislature, were in reality their strongest justification and best panygericks. He thought therefore this act to be in every respect just, and proper, and considering the offence of those who are the object of it, merciful.

Right Hon. *T. Townshend* answered Mr. *Jenkinson*; urged the cruelty and injustice of an act which made no discrimination between innocence and guilt, which starved all alike, and which had a tendency to fix an eternal hatred of this country and its legislature in the minds of the Americans. With regard to the original provocation which Mr. *Jenkinson* stated to have produced the penalties, he denied the fact; but asserted, on the contrary, that our violating their privileges, or grossly shocking their old respectable prejudices, produced the disobedience, and then the disobedience was punished by the most cruel and unnatural acts.

The *Solicitor General of Scotland*. The act had his most hearty approbation, and most chearful concurrence. That was just, because provoked by the most criminal disobedience. It was merciful, because that disobedience would have justified the severest military execution. This measure was not sanguinary—and as to the famine which was so particularly lamented, he was afraid it would not be produced by this act. That though prevented from fishing in the sea, the New Englanders had fish in their rivers, to which this act

did not prevent them from resorting; and that though he understood, their country was not fit for grain, yet they had a grain of their own, Indian corn, on which they might subsist full as well as they deserved: but whether they might so subsist or not, was no part of his consideration. He looked on the act as coercive, and that the coercion which put the speediest end to the dispute, was certainly the most effectual. That when it was said no alternative was left to the New Englanders but to starve or rebel, this was not the fact, for there was another way "to submit." He wished, however, that some test to discriminate the innocent from the guilty had been adopted. That this test, notwithstanding it had been originally stated as part of the plan by Lord North, had been dropped by his lordship. That it might serve to introduce a rule of obedience for all, and might prevent the innocent from being involved with the guilty in a common punishment. But the act was on the whole so right, and he approved and admired it so much, that he could not quarrel with it for this defect.

As to what had been apprehended from the loss to the merchants of Old England, by disabling those of the New to pay their debts, he said, that when the colonists had submitted, they might then resume their fisheries and their trade, and thus be enabled to pay their debts. In the mean time, that part of the capital stock of England, which is now employed in carrying on the fisheries of New England, would be employed in carrying on our own, and thus our merchants could suffer no loss whatsoever. This was as clear as any demonstration of Euclid.

Lord John
Cavendish

Lord John Cavendish. He was shocked with the perfect ease and alacrity with which they voted famine to a whole people; and he was in particular surprised at the ideas of clemency, entertained by the learned gentleman who spoke last. He commended this measure, because it was not sanguinary; but to kill by starving, was not cruelty; and provided a man's blood was not shed, he might be destroyed with great gentleness—in any other way whatsoever. This act he considered as alienating the Americans from us for ever, and rendering useless any possible plan of reconciliation.

Mr. Rice.

Mr. Rice. He did not adopt this proposition but with the greatest pain and reluctance. He knew it was harsh; but that harsh measures were unfortunately necessary. He was satisfied from an examination of the whole tenor of their conduct, and from a careful comparison of all the parts of the proceedings of the Americans with each other, that independency was their object;

object ; that they intended to throw of the commercial restrictions, as well as the taxes : on which latter point he was as much inclined to relax as any other gentleman, if he could be tolerably assured that such relaxation would not be introductory to a further, and to a worse opposition on their parts. He thought he saw, by the obstinate conduct of Boston in holding out so long, and under such inconveniences, that their designs were very deep ; and he was convinced that the satisfaction to custom-house officers, required as a condition of pardon by the act which shut up their port, was their principal reason for this stubborn opposition. And this pointed clearly to the true object of their resistance.

Mr. *Burke*. He was afraid any debate on this subject was to little purpose. When this parliament, originally disengaged to any system, and free to chuse among all, had, previous to any examination whatsoever, began by adopting the proceedings of the last, the whole line of our public conduct was then determined.

[*Here the majority raised a great cry of approbation.*] He said the cry was natural, and the inference from what he had said just ; that the road by penitence to amendment was, he knew, humiliating and difficult—and that most of mankind were disposed like Macbeth to think

“ I am in blood

“ Stept in so far, that should I wade no more

“ Returning were as tedious as go o’er ;”

and thus they pass towards the further bank, be the channel ever so wide, or the flood ever so deep and rapid. That as this measure was in the same spirit as all the former, he did not doubt but that it would be productive of the very same consequence.

This was in effect the Boston port bill, but upon infinitely a larger scale. That evil principles are prolific ; this Boston port bill begot this New England bill ; that this New England bill will beget a Virginia bill ; that again, a Carolina bill, and that will beget a Pennsylvania bill ; till one by one parliament ruins all its colonies, and roots up all its commerce ; until the statute book becomes nothing but a black and bloody roll of proscriptions, a frightful code of rigour and tyranny, a monstrous digest of acts of penalty, incapacity, and general attainder ; and that open it where you will, you will find a title for destroying some trade, or ruining some province.

That the scheme of parliament was new and unheard-of in any uncivilized nation, “ to preserve your authority by destroy-

destroying your dominions." It was rather the idea of hostility between independent states, where one not being able to conquer another, thinks to reduce its strength gradually, by destroying its trade and cutting off its resources. That this mode was never used by princes towards their subjects in rebellion; the maxim in such cases always was, to cut off the rebels but to spare the country, because its strength is the strength of the sovereign himself. Here the principle was reversed; the force used against the rebels was trifling (tho' very expensive) but the trade, which was the wealth of the country, was to be destroyed.

He then entered into the difference of expence, and loss between the two modes; and proved, in detail, that these bills would, in all probability, cost the nation more than the maintenance of an army of 40,000 men.

That when things are come to violences he thought the sword much the most effectual and though severe, not so unjust as these universal proscriptions, because it will fall only on those who resist. But this act confounds all kinds of people, all sexes, all ages, in one common ruin. That nothing could be at once more foolish, more cruel, and more insulting, than to hold out, as a resource to the starving fishermen, ship-builders, and the infinite number of other mechanics employed in trade and fishery, and ruined by this act, that after the plenty of the ocean, they may poke in the the brooks, and rake in the puddles of their respective countries, and diet on what we consider as husks and draft for hogs.

It was, he said, foolish and insulting; because, when you deprive a man of his trade and occupation, you deprive him of the means of his livelihood, if there were ever so much fish in the streams, or corn in the fields. That a shoemaker's livelihood goes when a fisherman can no longer pay him for his shoes. He has no resource in other people's plenty. How is he to get at horse-beans or Indian-corn, or at the worst of food, for himself and his starving family? Then he shewed, that the ruin of the staple trade of a people, involved it in the ruin of the whole community; and proved, by entering minutely into its nature and employment, that the British capital employed in the New England trade, could not possibly be turned to the British fishery; and (treating very lightly the demonstration of Euclid) he shewed, that by one year's intermission of the course of the New England foreign trade, would be the certain loss of the whole debt now due to the English merchants.

But the point on which he rested most, was this: the sentence was (in the mildest way) beggary, if not famine on four great provinces. The condition of their redemption was, "When it should be made appear to the governors, and the majority of the council in two of these provinces, that the laws would be obeyed." By what evidence, said he, is this to be made to appear? Who is to produce it? What facts are to be proved? What rule has the person who is to make it appear, to go by? What rule have the two governors to determine, so as to acquit them—in employing or in refusing, either to government here, or to the people there? You sentence, said he, to famine at least 300,000 people in two provinces, at the mere arbitrary will and pleasure of two men whom you do not know, for you do not know who will be governors when this act takes place. And lest these two should risque an act of mercy, you add, as a controul to them, the majority of two councils, whom you do not know, and one of them, at present, has no existence! And as to the other provinces, Connecticut and Rhode Island, the act has not left a man in these two provinces, who, by the exertion even of an arbitrary discretion, can relieve 200,000 people more, or any innocent or repenting individual, let their behaviour be what it will. A governor of another province, who can never regularly and officially know their true state, can alone be arbitrary in favour of justice.

This, said he, is because, in these two ill-starved provinces, the people chuse their governors: but is that a crime in individuals, which is the legal constitution of the country? If it be a bad one, England has given it to them, and has not taken even a step towards altering it.

On this point, of the unheard-of power given to governors, of starving so many hundreds of thousands at their mere pleasures, of which, he said, no history of real, and even no fabulous invention of fictitious tyranny, had ever furnished an example, he dwelt a long time, and placed it in an infinite variety of lights; and kindled into such warmth, that he was at length called to order. But he continued to repeat the strong terms, as, he said, he had a right to give such epithets to the bill as he pleased, until it had passed the House. If that should be the case, he would then be silent, because it would be against *order* to speak of it as it deserved, and against *prudence*, to offend a body of men who had so much power, and would shew, by passing that bill, how harsh an use they were disposed to make of it.

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He said, however, he was convinced, by the whole tenor of the debate, as well as by his private conversation, that most of those who should vote for this bill had never read it; that what they did was not out of malice, but out of respect to the opinions of others, who, by presenting them such a bill, shewed how little they deserved this unlimited confidence. He said, that if any were in that situation, he hoped they would have the benefit of the prayer made for those who alone had done an act worse than this, "Forgive them, they know not what they do."

Lord Advocate of Scotland.

Lord Advocate of Scotland. He took, likewise, large ground. Began with disclaiming any thing of cruelty, as foreign to his nature and disposition; but that authority must be preserved, though the guilty, and sometimes even the guiltless, by accident, suffer. That rigour is annexed to the idea of punishment, and that punishment is right or wrong, according to the desert of the parties; that whatever necessity made this punishment so rigorous, or extended it to so vast a latitude, was owing to those who, taking part with America, in this House or elsewhere, encouraged them to resist the just authority of parliament. They were, he said, guilty of the blood of the colonists. That he was sure the taxation of America was just and defensible in every principle of the constitution; and that though this ground of taxation was very much beaten, yet as the whole question originated there, it was necessary to shew the foundation of the right; this he did by a distinct enumeration of the acts of parliament.

He was clear and methodical; but the House was not disposed to listen to an argument which they had heard so frequently discussed. He said, with temper, that he gave way to that disposition of the House, and was content to give his most hearty approbation to the bill. The House divided—215 for the question; 61 against it.

March 7.

Nothing material.

March 8.

Lord North presented to the House, by his Majesty's command, the following letter.

Copy of a Letter from the Honourable Governor Gage, to the Earl of Dartmouth; dated Boston, 27th January, 1775.

My LORD,

WE have information often from the country, that the towns in this province become more divided, notwithstanding the endeavours used to keep up their enthusiasm, and the tyranny and oppressive acts exercised against persons deemed friends of government, has driven them in several places to combine together for their mutual defence. Where the majority in a township has been averse to their measures, the faction has employed their adherents in neighbouring towns, to join, and form bodies sufficient to force them, by numbers, to sign recantations, which has been attended generally with violence and ill usage. The town of Marshfield, with part of that of Scituate, having been lately under terrors of that kind, from the threats of their neighbours, for having formed some associations amongst themselves, applied to me for protection; and I have sent a detachment of one hundred men to their relief. It is the first instance of an application to government for assistance, which the faction has ever tried to persuade the people they would never obtain, but be left to themselves.

Governor Wentworth has acquainted me of a quantity of stores burnt by the populace at Portsmouth, and that the magistrates have not support sufficient to enable them to apprehend any of the people concerned in the attack of Fort William and Mary, or keep them safe in jail after commitment, and desires that two regiments may be stationed at Portsmouth. No quarters are yet prepared for them, nor am I informed how they are to be quartered; and I must send an officer to the governor to settle those matters with him, previous to the moving any troops.

People are waiting determinations from home, which will probably make great alterations in proceedings here.

I have the honour to be, my Lord, &c.

THO. GAGE.

Motion made to read the New England restraining fishery bill the third time.

Mr. Hartley moved, that the following clause be inserted in the bill, viz. "Provided always, and be it further enacted, that

S s

Mr. Hartley

that nothing in this act contained shall extend, or be construed to extend, to prohibit the importation into any or either of the said colonies or provinces, of fuel, corn, meal, flour, or other victual brought coastwise from any part of America."

This clause, said he, cannot be objected to, even by the most vindictive spirit, against the four provinces of New England, who are the objects of this bill, as it is extracted from the Boston port bill of the last year. The lenity or humanity of which was never so much as pretended, even by its advocates. There cannot be a reason why you should throw away this year, the little share of humanity which you had the last; more especially, as we are come to discover, and even to acknowledge, by the votes of this House, that we have proceeded hitherto, in this business with America, with rashness, misjudgment and precipitation. The vote I allude to is passed but a few days since; which says, or pretends to say, that it would have been *proper* (that is the term) to have proceeded in a way of asking a supply of the Americans, by the constitutional way of requisitions, before proceeding to compulsory or forcible methods. Having confessed ourselves wrong in the foundation, it is but equal justice to our fellow subjects of America to suppose, that those riots and resistance would not have happened, if we had not begun with them confessedly in an unconstitutional way. Surely then, it is not a time to add to the severity of our acts, in proportion as we find, that we have been unjust in the outset, and that they have been less to blame. It is surely but a little matter to ask, that you would not be more severe or cruel towards America, who have never been heard on their defence this year, than you were the last. Besides, what construction can the town of Boston put upon your present measures, if you refuse the clause now offered? They will be besieged, as in actual war with any foreign enemy. General Gage has fortified the neck which joins Boston to the continent, by which he may intercept provisions; and by this bill you proclaim the same intention by sea. Do you expect, that they will submit to be starved, in passive obedience? What resource have they left, but resistance and, perhaps, to take advantage of the smallness of numbers of General Gage's troops, before they are reinforced; so this act puts it out of all doubt, that you mean to proceed to all extremities. I have been informed, by those who know best the temper of the Americans, and I hope and believe that they will hold out their patience to the utmost, and that they will not strike the first blow: but what is the difference to them, whether you strike the first blow by the musket

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the sword, or, to equal effect, by famine? The refusal of this clause, will be a declaration on your part, that you mean to bring famine upon them, to the utmost of your power, and therefore a warning to them of the mercy which they are to expect at your hands. As to the bill in general, it has been so ably debated by my friends near me, that I shall only add two remarks: this bill, by destroying the North American fishery, not only destroys that nursery of seamen, but will disable the provinces, under the prohibition, from the means of paying their debts to this country, who therefore will finally be the sufferers; and when the next year comes, and you find this consequence, you will then turn accusers of the North Americans for not paying their debts, and you will add, according to the usual falsehoods towards the Americans, that they never intended to pay their debts; and, by the distance of the place, and the falsehood of representations, you will impute those very effects which you have produced yourselves, as the justifying causes of resentment. This is the unjust way in which the Americans have been treated, on all occasions. I myself asked, the other day, why, on a particular occasion of a slight riot of not more than a few hours continuance, four regiments, and a train of artillery, were ordered to Boston? To justify this enormous intervention of the military, I was told in this House, that indeed the riots were trifling, but that the Americans had come to a resolution to arm the country. What then was the real fact, as testified by dates? The fact was, that the resolution to arm was not taken till the troops were seen in the offing. It was the sight of the troops, upon so trivial an occasion, that gave to understand what they were to expect; and, by dates, the fact is verified, that they did not take to arms till some months after the troops were ordered; but it was upon their first notice of the troops being to come, and the resolution to arm against the worst, was actually debated but a few hours before the troops were landed. So it is that facts are misrepresented in America, and so let me put in my caution *now*, that the Americans do *now* actually pay their debts, like honest men, to the utmost of their power, and let me be before-hand with this charge; if when the natural consequences of these measures come next year, we should hear any false accusations of the Americans, as combining not to pay their debts. I shall make but one remark more, but which seems to me to be of the utmost importance to the whole commercial system of England, which is, that the plantation-built bottoms are two thirds, or three quarters, or all the bottoms upon which the British merchan-

dize, to every quarter of the globe, is carried on ; when we meditate a blow at the American trade, we should recollect at least, that there is this one manufacture (if I may so call it) of ship-building, upon the encouragement of which our very existence in this kingdom, as a trading people, depends. However we may think it our interest to suppress the rivalry of the colonies with ourselves, in other manufactures, yet in this trade of ship-building they are our most material and essential support. This revengeful blow at the American ship-building, will fall most immediately and fatally upon the manufacturers and merchants of every commercial article in this kingdom. For these reasons, I am against the whole principle of the bill now before us ; and if we cannot prevail to have the whole rejected, I must humbly move, at least, the admission of the clause which I have just now offered to the House.

Lord North.

Lord North. When the honourable gentleman gave notice of the motion which he had now made, he [Lord North] had at the same time said he should object to it. As the bill not only meant to restrain the colonies of New England from trade so long as they would not trade with us, but also to let them feel the inconveniences which they must be exposed to, while they denied the authority of parliament. He could not, until their conduct gave parliament some grounds for it, agree in his opinion, that parliament should relax from the coercion which this bill meant to execute. He thought it was right that they should feel some experience of those distresses which the power of this country could bring upon them, while they dared to set their power in opposition to it. But even in the exertions of force, nay of arms if it should become necessary, he never should wish measures which were cruel. He hoped when they began to feel the weight of the power of this country, and to see that the force of it was ready to strike the blow, they would be convinced that their leaders and false friends had deceived them, and that they would return to their duty, so that all these evils might be avoided. The case of the Boston port bill was quite different. The town of Boston had obstructed our trade, and had committed an act of outrage against it ; it was proper therefore to prevent that town from being a place of trade, until they made recompense, but as they had not then formally arrayed themselves against the power as well as authority of this country, further restraints, such as are in the present bill, were not then necessary, and the permitting provisions and fuel to go up to the town by water

was

was inserted in that bill. The further restraints which a more violent conduct had now rendered necessary, were now inserted in the bill, and instead of relaxations from these, more severe ones must follow, if their conduct made such further necessary.

Mr. *Burke* was warm against the bill. It was not, he said, *Mr. Burke.* sanguinary, it did not mean to shed blood, but to suit some gentlemen's humanity, it only meant to starve five hundred thousand people, men, women, and children at the breast. Some gentlemen had even expressed their approbation of famine in preference to fire and sword. This bill not only had taken from these people the means of subsisting themselves by their own labour, but, rejecting the clause now proposed, took from them the means of being subsisted by the charity of their friends. You had reduced the poor people to beggary, and now you take the beggar's scrip from them. You even dash from the mouth of hunger the morsel which the hand of charity would stretch out to it. On the subject of famine he was fine and pathetick,

Lord *Clare* said, he would not enter the list with the *Lord Clare* gentleman who spoke last, it would be the waging an unequal war; but he had in his hand a friend who was a match for him. My old friend, Sir Joshua Gee, a great friend to America, though no patriot; a man who has written better on trade than any other man living, and who knew more of America. Now, Sir, my friend Joshua Gee, with a kind of prophetic spirit says, if ever the people of New England should aim to set up for themselves, what must we do? Do, Sir, why the very things which are now doing. Joshua Gee says, you must restrain their trade and prohibit them from the fishery, and you will soon bring them to their senses. I hope Joshua Gee will be a prophet there too. But here are his words. [*He here read a long passage from the book and then commented on it.*] Now, Sir, nobody that ever read this passage, thought this conduct as here proposed, to be cruel, but necessary and wise, Sir. But since we have got a language in this House that is fitter for the turbulent harangues of an American congress than for a British parliament, every thing which would restrain American independence is unjust and cruel. But if so, Sir, how come gentlemen not to oppose the augmentation of the army and navy for these purposes. They retired from that question; some never looked to it; others retired sturdily like Ajax: they did not turn their backs, but, Sir, they retired. His lordship held

held on in this way, criticising the conduct of gentlemen in the opposition for some time, and then sat down.

Rt. Hon.
T. Town-
shend.

Rt. H. *T. Townshend* arose, and said, if the augmentation of the navy and army had been proposed as a force with which to make war on America, I would, Sir, have been as sturdy as Ajax, not retiring, but attacking. I would have set my face against it; I would have used every power I had to oppose it; I would have carried my opposition to turbulence, since the noble lord will so describe it. The reason why I did not oppose it, I will avow; it is a fair one. I knew that it was determined that a great part of the force which we then had was to be sent to America. I trembled for the safety of this realm, thus stript of the strength intended originally for its defence; I was glad when I heard an additional defence was to be proposed for it. I would not oppose this necessary measure, though I would not in any thing mix myself with the measures of ministry. He then went into the argument on the subject of famine and starving.

Mr. Fox.

Mr. *C. Fox* said, I think now you have, by refusing this proposition, compleated the system of your folly. You had some friends yet left in New England. You yourselves made a parade of the number you had there. But you have treated them like friends! Rather then not make the ruin of that devoted country compleat, your friends are to be involved in one common famine. How must they feel, what must they think, when the people against whom they have stood out in support of your measures say to them, You see now what friends in England you have depended upon; they separated you from your real friends there, while they hoped to ruin us by it, but since they cannot destroy us without mixing you in the common carnage, your merits to them will not now save you; you are to be butchered or starved indiscriminately with us? What have you to look to for support but resistance? You are treated in common with us rebels, whether you rebel or not. Your loyalty has ruined you. Rebellion alone (if resistance is rebellion) can save you from famine and ruin. When these things are said to them, what can they answer? What part have they to take? They must resist in common with those with whom you have united them in ruin. I thought your measures were intended to divide the people. But what you mean to destroy you unite all, because you wish to destroy

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destroy all. Thus much I thought it right to say, that I might mark the spirit of your measures.

Gov. *Pownall* said, that having now for two days debate heard so much about the starving principles of this bill, and of the famine which was to be the effect of it in New England, he rose to say a few words, in order, by stating the fact, to wipe off from the bill an imputation, which not only the oratory of those who opposed it, but the indiscretion of some who had defended it, brought upon it; the soul stain of hard heartedness and cruelty; as also to calm any apprehensions which gentlemen by their oratory, working on a fact taken for granted, had endeavoured to raise in the breasts of the humane.

Governor
Pownall.

As to the starving and famine, supposed as an effect which might follow from the operations of this bill, it was a supposition too groundless and idle to combat. The colonies of New England he said were *provision colonies*, they were great *grazing settlements*; they had not indeed been equally attentive to *tillage* as the farmers of the middle colonies had been, but that they raised sufficient *corn, rye and barley* for their subsistence; that although they imported some flour and biscuit from Philadelphia and New York, yet the first was chiefly for the luxury of the rich, and the latter for fitting out their shipping. If it became necessary to restrain their trade the latter would not be wanted, and if people will go to war they must expect to give up the former. He added, that if the bill proceeded from any such principles of hard-heartedness, or if he could see any such cruel effects in it as had been stated, he would have opposed it, instead of acquiescing in it; instead of any such mischievous effect on the colonies, we should have need to watch, that it did not produce a contrary effect, namely, that of turning their thoughts more seriously to tillage; if it should, might it not have the effect fabled in the story of Antæus, that the moment in which they *touch the ground*, from that moment they should derive strength.

He concluded by saying that he considered this bill simply as a commercial regulation; as a temporary withholding of those indulgencies which particular laws and connivance had given, in relaxation of the general laws on which the plantation trade had been originally established; as withholding these indulgences so long as the colonies should think fit to prohibit the trade of Great Britain; it was, he said, from seeing and considering it in this light alone that he acquiesced in it.

Mr.

Mr. Dundas. *Mr. Dundas* [solicitor general of Scotland] said, that by what had been thrown out, he thought himself called upon, and almost personally described; that while any who differed from him in opinion should, in animadverting upon his arguments, quote them fairly, and state them justly, he should sit still, and hear with patience; but when any gentleman should wholly misunderstand or mistake them, he would always hope to explain himself, and answer. In what I said in a late debate (continued he) I did not say that I approved of measures of starving a whole people; but I said, that if matters between us and the Americans were come to that issue, that we must at last use force, and perhaps the sword. Surely those measures which would prevent them from being able to resist, might prevent us from coming to the harsher measures of the sword and bloodshed. He thought these measures would bring them to their senses, and to think, and would therefore in the end, prove mercy to them. This, I hoped, would be the true operation and effect of this bill; and, therefore, approving that operation, I must disapprove this motion.

The question was called for, and put: the ayes 58, the noes 188; and so the noes had it.

The bill read, and carried to the lords.

Mr. Hartley. *Mr. Hartley* said, that a letter had been written by the Earl of Dartmouth to Governor Colden, of New York, dated the 10th of December, 1774; as this letter contained matter well worthy the consideration and attention of the House, he should be glad, he said, to have it laid before the House, by way of information.

Mr. Rigby. *Mr. Rigby* opposed this; he said, administration must always be understood to be the sole judges of what is and what is not proper to be laid before the House.

Right Hon. T. Townshend. *Right Hon. T. Townshend* observed, it was a very novel and extraordinary doctrine to affirm, that when a paper was called for, and particularly described, it was in the option of the minister to produce or withhold it at his pleasure.

Lord North. *Lord North* contended there were many papers, which a mere spirit of curiosity might prompt men to call for; but that bare curiosity, in his opinion, should not be gratified, when it might be productive of evil; that he believed it was neither novel nor extraordinary to keep many matters secret.

Mr. Fox. *Mr. Fox* said, the noble lord [Lord North] was uniform. From the beginning his lordship had taken care to lead the House blindfold; and would, he was certain, continue to do so, till he found some personal convenience in acting otherwise.

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wise. He pronounced confidently, that the bill just passed could not succeed; and desired the noble lord to recollect his words, and at the same time not to come to parliament, telling them, though the measure miscarried, it was their measure, for if they had not framed, they had, after the fullest deliberation, approved of it. The fact was the very contrary, as his lordship had been both the framer and approver; and that by the arts of misinformation on one hand, and want of any material information on the other, parliament were persuaded into an approbation of his measures.

Mr. *Hartley* moved, that an humble address be presented *Mr. Hartley* to his Majesty, that he will be graciously pleased to give directions that there be laid before this House, a copy of a letter from the Earl of Dartmouth to Lieutenant Governor Colden, of the 10th of December, 1774. It passed in the negative.

Governor *Johnstone* said he had been informed that an extraordinary petition from Jamaica had been received by the *Gov. Johnstone* ministers, that the contents were of the utmost importance; and desired to know the reason it was not laid before the House?

Lord *North* said, he could assign no reason; he did not know there was any reason. The petition was from the assembly of the island, hastily agreed upon, just at the end of the session. *Lord North*

Mr. *Fox* thought that was a sufficient reason to force it upon his lordship's notice; for it was his lordship's practice to transact the most important business at the end of the session. *Mr. Fox*

Lord *North* said it should be brought. The following is Lord *North's* copy of it.

Copy of the Petition and Memorial of the Assembly of Jamaica, to the King in Council.

J A M A I C A, *ff.*

To the King's most excellent Majesty in Council.

The humble Petition and Memorial of the Assembly of Jamaica.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects the assembly of Jamaica, having taking into our consideration the present critical state of the colonies, humbly approach the throne to assure your Majesty of our most dutiful regard to your royal person and family, and our attachment to and re-

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liance on our fellow subjects in Great Britain, founded on the most solid and durable basis; the continued enjoyments of our personal rights and the security of our properties.

That weak and feeble as this colony is, from its very small number of white inhabitants and its peculiar situation, from the incumbrance of more than 200,000 slaves, it cannot be supposed that we now intend, or ever could have intended resistance to Great Britain.

That this colony has never, by riots or other violent measures, opposed or permitted an act of resistance against any law imposed on us by Great Britain, though always truly sensible of our just rights and of the pernicious consequences, both to the parent and infant state, with which some of them must be attended; always relying with the most implicit confidence on the justice and paternal tenderness of your Majesty, even to the most feeble and distant of your subjects, and depending, that when your Majesty and your parliament should have maturely considered and deliberated on the claims of Great Britain and her colonies, every cause of dissatisfaction would be removed. That justly alarmed at the approaching horrors of an unnatural contest between Great Britain and her colonies, in which the most dreadful calamities to this island, and the inevitable destruction of the small sugar colonies are involved: and excited by these apprehensions, as well as by our affection for our fellow subjects both in Great Britain and the colonies, we implore your Majesty's favourable reception of this our humble petition and memorial, as well on behalf of ourselves and our constituents the good people of this island, as on behalf of all other his Majesty's subjects the colonists of America; but especially those who labour at present under the heavy weight of your Majesty's displeasure, for whom we entreat to be admitted as humble suitors, that we may not at so important a crisis be wanting to contribute our sincere and well-meant, however small, endeavours, to heal those disorders which may otherwise terminate in the destruction of the empire.

That as we conceive it necessary for this purpose to enter into the different claims of Great Britain and her colonies we beg leave to place it in the royal mind as the first established principle of the constitution, that the people of England have a right to partake, and do partake, of the legislation of their country; and that no laws can effect them but such as receive their assent given by themselves or their representatives; and it follows therefore that no one part of your Majesty's English subjects either can or ever could legislate for any other part.

That the settlers of the first colonies, but especially those of the elder colonies of North America, as well as the conquerors of this island were a part of the English people, in every respect equal to them, and possessed of every right and privilege at the time of their emigration, which the people of England were possessed of and irrefragably to that great right of consenting to the laws which should bind them, in all cases whatsoever, and who emigrating at first in small numbers when they might have been oppressed, such rights and privileges were constantly guaranteed by the crown to the emigrants and conquerors, to be held and enjoyed by them in the places to which they emigrated, and were confirmed by many repeated solemn engagements made public by proclamation, under the faith of which they did actually emigrate and conquer, and therefore the people of England had no rights, power, or privilege to give to the emigrants as these were at the time of their emigration, possessed of all such rights equally with themselves.

That the peers of England were possessed of very eminent and distinguished privileges in their own rights as a branch of legislature. A court of justice in the dernier resort for all appeals from the people, and in the first instance, for all causes instituted by the representatives of the people; but that it does not appear that they ever considered themselves as acting in such capacities for the colonies, the peers having never to this day heard or determined the causes of the colonists in appeal, in which it ever was, and is their duty, to serve the subjects within the realm.

That from what has been said it appears, that the emigrants could receive nothing from either the peers or the people, the former being unable to communicate their privileges, and the latter on no more than equal footing with themselves, but that with the King it was far otherwise. The royal prerogative as now annexed to, and belonging to the crown, being totally independent of the people, who cannot invade, add to, or diminish it; nor restrain, nor invalidate those legal grants which the prerogative hath a just right to give, and hath very liberally given for the encouragement of colonization. To some colonies it granted almost all the royal powers of government which they hold and enjoy at this day, but to none of them did it grant less than to the first conquerors of this island, in whose favour it is declared by a royal proclamation, that they shall have the same privileges to all intents and purposes, as the freeborn subjects of England.

That to use the name or authority of the people of the parent state, to take away or render ineffectual the legal grants of the crown to the colonists is delusive and destroys that confidence which the people have ever had and ought to have of the most solemn royal grants in their favour, and renders unstable and insecure those very rights and privileges which prompted their emigration.

That your colonists and your petitioners having the most implicit confidence in the royal faith, pledged to them in the most solemn manner by your predecessors, rested satisfied with their different portions of the royal grants, and having been bred from their infancy to venerate the name of parliament, a word still dear to the heart of every Briton, and considered as the Palladium of liberty, and the great source from whence their own is derived, received the several acts of parliament of England and Great Britain for the regulation of the trade of the colonies, as the salutary precautions of a prudent father for the prosperity of a wide extended family; and that in this light we received them without a thought of questioning the right, the whole tenor of our conduct will demonstrate, for above one hundred years; that, though we received these regulations of trade from our fellow subjects of England and Great Britain, so advantageous to us, as colonists, as Englishmen, and Britons, we did not thereby confer on them a power of legislation for us, far less of destroying us and our children, by divesting us of all rights and property.

That with reluctance we have been drawn from the prosecution of our internal affairs, to behold with amazement a plan almost carried into execution, for enslaving the colonies; founded, as we conceive, on a claim of parliament to bind the colonists in all cases whatsoever.

Your humble petitioners have for several years with deep and silent sorrow, lamented this unrestrained exercise of legislative power, still hoping from the interposition of their sovereign, to avert that last and greatest of calamities, that of being reduced to an abject state of slavery, by having an arbitrary government established in the colonies; for the very attempting of which, a minister of your predecessors was impeached by a House of Commons.

With like sorrow do we find the popish religion established by law, which by treaty was only to be tolerated.

That the most essential rights of the colonists have been invaded, and their property given and granted to your Majesty by men not intitled to such a power,

That

That the murder of the colonists hath been encouraged by another act, disallowing and annulling their trials by juries of the vicinage; and that fleets and armies have been sent to enforce those dreadful laws.

We therefore, in this desperate extremity, must humbly beg leave to approach the throne, to declare to your Majesty, that our fellow subjects in Great Britain, and consequently their representatives the House of Commons, have not a right, as we trust we have shewn, to legislate for the colonies; and that your petitioners, and the colonists, are not nor ought not to be bound by any other laws, than such as they have themselves assented to, and not disallowed by your Majesty.

Your petitioners do therefore make this claim and demand, from their Sovereign, as guarantee of their just rights, on the faith and confidence of which they have settled, and continue to reside in these distant parts of the empire, that no laws shall be made and attempted to be forced upon them, injurious to their rights as colonists, Englishmen or Britons.

That your petitioners, fully sensible of the great advantages that have arisen from the regulations of trade in general, prior to the year 1760, as well to Great Britain and her colonies, as to your petitioners in particular, and being anxiously desirous of encreasing the good effects of these laws, as well as to remove an obstacle, which is now in our government, and could not have existed on the principles of our constitution, as it hath arisen from colonization; we do declare for ourselves and the good people of this island, that we freely consent to the operation of all such acts of the British parliament, as are limited to the regulation of our external commerce only, and the sole objects of which are the mutual advantage of Great Britain and the colonies.

We, your petitioners, do therefore beseech your Majesty, that you will be pleased, as the common parent to your subjects, to become a mediator between your European and American subjects, and to consider the latter, however far removed from your royal presence, as equally intitled to your protection, and the benefits of the English constitution, the deprivation of which must dissolve that dependence on the parent state, which is our glory to acknowledge, whilst enjoying those rights, under her protection. But should this bond of union be ever destroyed, and the colonists reduced to consider themselves as tributaries to Britain, they must cease to venerate her as an affectionate parent.

We beseech your Majesty to believe, that it is our earnest prayer to Almighty Providence to preserve your Majesty in all

all happiness, prosperity and honor, and that there may never be wanting one of your illustrious line, to transmit the blessings of our excellent constitution to the latest posterity, and to reign in the hearts of a loyal, grateful and affectionate people.

Passed the assembly this 23d day of December, 1774.

March 9.

The House resolved itself into a committee on American affairs.

Lord North. Lord North moved, that the chairman be directed to move the House, that leave be given to bring in a bill to restrain the trade and commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations. He said, as the southern provinces had acceded to the non-importation and non-exportation agreement, it would be a manifest partiality not to make their punishments the same as the northern provinces.

Lord John Cavendish. Lord John Cavendish said, he little expected to see another bill of the same tendency with the last so soon make its appearance. But he should endeavour to frame his mind so as that nothing should surprise him.

Sir William Mayne. Sir William Mayne was no less astonished, as he understood from the noble Lord on a former occasion, that he meant to proceed no further, till it should be known what effect the former bill would have; adding, that he thought the present an irritating measure, from which no salutary consequence could be expected.

Mr. Hartley. Mr. Hartley, after lamenting the fluctuating state of our public counsels, observed, that a few days since, nothing was echoed from the other side of the House but plans of conciliation, of moderation, and concession. In all probability, said those gentlemen, though all the colonies should not consent to tax themselves, or break the non-importation and non-exportation agreement, some of them certainly will, and destroy the confederacy, the refractory with very little struggle, must submit. Now, what is the language? Drive the whole continent of America into despair; hold out no temptation to the moderate and less offending, and this is the sure way to restore peace and harmony, to recover our commerce, just on the verge of destruction, and to reconcile them cordially to our government. He said, he had been informed that lands on the confines of Virginia had been ce-

at the conclusion of the late Indian war, which cession had been divided into 22 shares; and that those shares had been sold. Not intending to reflect upon the noble lord [Lord Dunmore] who must have had the principal hand in that business, or upon any other person in particular, he wished for information from the noble lord [Lord North] whether the facts thus confidently reported, were true.

Lord North gave no answer to the last query, but endeavoured to defend the propriety of the bill now moved for. The former bill was only against a part of America; this was against the remainder. He said, he did not recollect that he had ever said he would wait to know the event of the first bill, before he proposed another. As the colonies had come to an agreement to carry on no trade whatever with Great Britain, Ireland, or the West Indies, he was clearly of opinion, that it became indispensably necessary to restrain their commerce, and prevent them from trading with any other country.

Motion agreed to.

March 10.

Committee of supply.

Adjourned to March 13.

March 13.

Second restraining-bill read the first time;

March 14.

Nothing material.

March 15.

George Grenville, Esq. It has been frequently urged, and indeed with some justice, that no parliament ever made the provisions equal to those agreed to by the last, for a system of parliamentary independence in this House. At least, Sir, I am not the man to reprobate it, or to endeavour to take from them any part of the merit which they, on that head, are so justly entitled to. If, however, there should be any part of that plan imperfect; if, from the exigency of the time, or indeed from any other reasons, they were not enabled to pursue that system to the utmost, we, their successors, must feel it incumbent on us to give it due consideration, and, in the discussion of it, we should adopt it as a legacy entrusted to us; and we are well justified in assenting to any feasible system, however weakly the great arguments for it may be urged, however unequal may be the abilities of him who moves it, however slight his authority, however great his inexperience. The evil of which we now complain lies within a very short compass: I will not, therefore, detain you long in stating it. It will not be denied me, that there are many situations, in which

which a member of this House may wish to resign his trust into the hands of those from whom he held it. I know that here I tread on the most tender ground, when I attempt to define the relative duties of constituent and representative, or when I state a situation in which we can be justified, in refusing to lend our services to the public, and to this House: the position, however, which I lay down, and which I must prove to the satisfaction of the House, is, that there are situations in which, so far from acting dishonourably or unworthily, a member would justly deserve both these imputations, did he not avail himself of every legal means of divesting himself of his trust. Need I, Sir, remind this House of the instances we daily see, of the old members, to whose services and attentions we have been so much obliged, exhausted in their attendance on this House; they may feel themselves unequal to their eager wishes, in performing the duties incumbent on their station; the vigour of their mind impaired, the strength of their constitution sacrificed to their services, what must be their wish? Ripe in years, and ripe in honours, they wish but for a few tranquil moments, preparatory for the grave. A second situation may occur, in which a member may wish for any honourable means of vacating his seat; when called upon by motives of interest, conveniency, or perhaps nobler motives, he may employ the power of his life in active foreign service, of a nature which may not vacate his seat under the present system. Will it not, Sir, embitter those moments, perhaps otherwise happy, when he reflects, that the only return which he can make to the kind partiality of his constituents, which placed him here, is to deprive them, by his absence, of their share in the representation? Allow me, Sir, to name a third, which is, indeed, of a much more serious nature: let us suppose a member possessed of the qualifications requisite for the seat he takes; by accident, or indeed for provision for a helpless family, or for any other motive at his option, he may be reduced to part with that qualification; scruples of a conscientious heart may suggest to him the necessity of surrendering a seat, to which, in my construction of the act, from that moment he can have no claim. I confess the case is not likely to happen; but as long as it is possible, I have a right to use it to my argument. Having, Sir, stated these three, out of a great variety of situations, where it is expedient and proper for a member to wish to divest himself of his trust, I shall, in a few words, state the only method which at present can be taken for these purposes. The place bill was originally meant as the great security to independence in this House, by giving to the electors

tors the power of rejecting those who might appear to them to have accepted employment, on dependent principles. By the abuse of the times, this has been long since perverted to very different and unconstitutional purposes; for it is under this bill, that members, wishing to vacate their seats, solicit the favour of the minister. As this is the first time that I have named the minister, I owe it to myself to declare, that in this motion I disclaim all personal attack; it is founded on a great constitutional line, without conveying any reproach to the noble lord at the head of the treasury; should I, therefore, have occasion (which I am persuaded I shall not) to quote cases, in which this courtesy of the minister has been refused, I shall confine myself to instances in a more remote period. To remedy this evil, it is proposed, with the greatest deference to the opinions of this House, to enable the members to vacate their seats, by signifying their wish to the Speaker, under certain regulations. Nor, Sir, is this idea entirely new; it is a part of the ancient constitution of this House, which, I hope, the following precedents, extracted from your journals, will sufficiently prove.

[He here quoted a multitude of precedents to prove, That, from the year 1575 to 1609, it had been the invariable practice of parliament, to issue new writs in the room of such as were sick, or on actual service.]

I should entreat the pardon of the House, for detaining them so long on the subject of precedents, were they not necessary to shew, that this motion (if it succeeds) will only bring our parliamentary constitution to its former system. I have not quoted many instances where seats have been vacated by foreign service; the reason is not from want of precedents, but from the too great abundance of them, which (to say truth) almost universally contradict each other on the face of your journals. I stand, however, in the judgment of the House, who will, I doubt not, agree with me, that in these two situations the practice of ancient times has been invariable. I shall only trespass further on the indulgence of the House, to consider shortly what may be the objections. The first will probably be, that it retrenches the prerogative of the crown. I will answer it in one word, that I know of no prerogative which can dispose so arbitrarily of a seat in this House. A second may, indeed, be of a more serious nature: it may be urged, that we fail in our duty to our constituents, by dissolving the great reciprocal tie between us; that from the moment of our return to parliament we are the indented servants of the public. In answer to this objection, which is indeed a very delicate and tender ground, let me ask any honour-

able gentleman who uses it in argument, whether this consideration ever weighed one moment with any man, who wished to vacate, under the present system. The only difference then will be, that we shall be constitutionally authorized to adopt a measure, which at present we are forced to conceal under a false pretence, and by a mean evasion; and even this, Sir, is dealt out to us as a courtesy of government; and I appeal to the independent feelings of many who hear me, whether this consideration is not alone a sufficient reason for the present motion. It may be urged, that it is ill-timed. Allow me to say, that no time could be ever so opportune, and this argument I ground on the candor of the noble lord opposite to me. He has, as I am informed, (for I am but young in parliament) declared his resolution of never refusing this courtesy to any member, of any party. I will do him justice in supposing, that he took that determination from the consciousness of the possible misuse of the power lodged in his hands. Whatever were his reasons, they will all operate strongly to determine him, to give that support to this motion, which I am sure he will, from knowing how much some future minister may misapply this power. I have now, Sir, only to thank the House for their indulgence to me, and humbly to move you, That leave be given to bring in a bill to enable the Speaker of the house of commons to issue his warrants for new writs for members to serve in parliament, in the room of such members as shall signify to him their desire of vacating their seats, under certain regulations.

I would only add, that the regulations would be only so few, which may be necessary, and may be afterwards more fully discussed.

Ld. Bulkley. Lord *Bulkley* seconded the motion, on the same principle.

Mr. De Grey. Mr. *De Grey* opposed the motion; said he did not approve of it, and that the power should remain where it now was, of granting leave to vacate the seat.

Lord Folkestone. Lord *Folkestone* observed that the present constitution of vacating seats was not interwoven in it, but had crept in of late years, by a strange perversion of an act of parliament; but that if even it had been of older date, yet time had made an intire difference in the constitution of the House of Commons. That when the members receive wages from their constituents, and the service of parliament was a burthen people did not wish to bear, it might have been very improper to have given them such power of quitting their station; but that at present the case was altered, and so far from being a burthen it was an honour every

son wished for, and no sooner was a vacancy declared for any place, but fifty candidates were ready to start.

Mr. *Ellis* against the motion. Observed that he always *Mr. W. Ellis.* had a dislike to doing any thing which altered the constitution; that it was opening a door which would perhaps let in fresh innovations; that in the present instance no one had said in defence of the motion, that the present time called for such a measure, as the minister had been complimented on the readiness with which he granted the Chiltern hundreds; and as that was the case, he could see no present necessity on speculative opinions to adopt a measure our forefathers had never thought of. He declared he should agree to the motion if it could be shewn there was any necessity for such a bill at this time.

This brought up

Mr. *Bayly.* He said he knew not whether he should be *Mr. Bayly.* able to convince that right honourable gentlemen who held so lucrative an office under government, but if the House would indulge him with leave to lay before them a few plain facts in which he himself was particularly concerned, he made no doubt but many other gentlemen would see the indispensable necessity of such a regulation as was intended by the present motion. He then informed the house, that though he had now the honour of being representative for Westbury, the place of his nativity, yet he had first offered himself a candidate for Abingdon, where being opposed by a gentleman who was sheriff for the county, he petitioned the House against his return, as being from his office ineligible; that the select committee, in conformity to the great trust reposed in them, declared the election to be null and void; that the moment the determination of the committee was known, he resolved upon offering himself again, as he was well assured that his interest in the borough was considerably strengthened since the last election; but before he set out, he consulted many of his friends in the House, to know whether he was likely to meet with any difficulty in vacating the seat he now possessed, and was assured by them all, that he need be under no apprehensions on that score, as the noble lord at the head of the treasury had declared to the whole House, on other occasions, and particularly in the case of colonel Luttrell, that he never did nor ever would refuse any of the vacating places to any gentleman who should apply for them, whatever side of the house he should happen to be on, and that this was his constant rule in such cases. In full reliance, therefore, on so ample a declaration, especially from a minister who was so frequently boasting of his word in that house, he posted away directly for that borough, as no time was then to be lost, his opponent having gone

gone before, and as soon as he got there, he applied to the minister, through a noble friend of his in town for one of the vacating places; but to his inexpressible astonishment, an answer was returned by the minister to his noble friend, directly contrary to the above declaration; and as the letter containing that answer was not to be considered in a private, but of a public and very interesting nature, he begged leave to lay it before the house. [*Mr. Bayly then read the letter, in which is contained the following very extraordinary paragraph; "I have made it my constant rule to resist every application of that kind, where any gentleman entitled to my friendship would have been prejudiced by my compliance. Mr. Mayor would, therefore, have just occasion to complain of my conduct towards him, if I should make his case an exception to my general rule."*] Mr. Bayly, after having read this extraordinary epistle, made no comment upon it, as thinking none was necessary; but only applied it to the subject in debate, by submitting it to the House, whether such an example from such a minister did not clearly demonstrate the necessity for the regulation proposed.*

Lord North. Lord North owned that he had wrote that letter, that if there

* Since this debate, the honour of his noble friend has been much aspersed by the minister and his adherents for suffering a private confidential letter (as they are pleased to represent it) to be communicated to the House. With what justice these aspersions have been thrown out upon a nobleman whose honour has hitherto been unimpeached, the public will best be able to judge from a perusal of the letters themselves, which we have his lordship's permission to lay before them at full length, as follows.

Hill-street, Thursday.

My LORD,

HAVING this moment received a letter from Mr. Bayly, desiring me to present his respectful compliments to your lordship, and to request you'll permit him to vacate his seat for the borough of Westbury, by immediately granting him the Chiltern hundred; I flatter myself your lordship will excuse my giving you this trouble.

I am, my lord,

Your lordship's most obedient, humble servant,
ABINGDON.

Mr. Bayly is now contesting afresh, the election at Abingdon, with his late opponent Mr. Mayor.

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there was any blame in it, it ought to be thrown on him, and
he

My LORD,

Downing-street, March 9, 1775.

IT gives me great concern that I am not able to comply with Mr. Bayly's request. The cases have certainly been very few, in which I have excused myself from granting vacated offices to members of parliament; but I have made it my constant rule to resist every application of that kind, where any gentleman entitled to my friendship would have been prejudiced by my compliance. Mr. Mayor would, therefore, have just reason to complain of my conduct towards him, if I should make his case an exception to my general rule. I trust in your lordship's equity, and in Mr. Bayly's, that you will think me well justified in declining to obey your commands upon this occasion, which I assure you I shall do with great pleasure, whenever it is in my power.

I am, with the greatest respect, my lord,

Your most faithful humble servant,

NORTH.

These then are the letters, and we may now ask the reader what privacy he finds in them; or what confidence is betrayed by the communication? His lordship conveys to the minister the request of his friend; a request founded in reason and equity, and authorised by the minister's own explicit declaration to the House, in the most unlimited terms, upon a similar occasion. The minister, in direct violation of all those sacred ties, returns a flat refusal to the request. Was then his lordship under any particular obligations of secrecy for a refusal, especially of such a nature? Was he bound to smother the injustice, because his friend was to be the sufferer? Was he not rather bound by that regard to truth and to the interest of his country, which are ever predominant in the breast of a good man, however little a minister may feel the predominance of either, to lay open to the public what a man of faith they have got at the head of their affairs, and what confidence is at any time to be reposed in him. Had the noble lord been a person of a violent and factious disposition, ever thwarting the measures of administration; or had he been in his public conduct stimulated by the illiberal spirit of resentment, or directed by the sordid views of future advancement into office, the minister might then perhaps have wished to disappoint the friend of such a man; though even in that case, his former declarations ought to have been an insuperable check upon him from proceeding farther than a bare wish only; but what must we think of such a refusal to a nobleman who in all public proceedings has ever been actuated

he was censurable for it; that his power being vested in him, he was certainly answerable for the abuse of it. He then severely censured the lord to whom he had wrote that letter, and Mr. Bayly for producing and reading it in the House, as a breach of common decency and confidence; however as there was nothing blameable in it he had no objection to the producing it. That he had made it a rule never to grant an opportunity of this nature to any person to oppose his friends. That especially in the present case he was more averse to it, as at the general election Mr. Mayor had the majority of votes, and was only rejected as being sheriff at the time. That there was all the reason to think that if he had set Mr. Bayly at liberty, it would only have been a vexatious opposition. That he was not personally known to Mr. Mayor, but then that gentleman had intitled himself to his friendship by shewing himself a strenuous supporter of the honour and dignity of this country, in concurring with the present American measures, and denied that he had ever made a promise to grant the Chiltern hundreds to *any* member who should ask for them.

Mr. Fox.

Mr. Fox. He had doubts how to vote in the present question. That he did not approve much the opening a door to innovations in the constitution; but on the other hand, as the minister had shewn so declared a partiality for those who voted with him for American measures, if any thing he was inclined rather to bring in the bill. Was severe on Lord North's friendship, which he observed he had eluded in the present letter, by calling it *persons entitled to his friendship*.

Mr. Rigby.

Mr. Rigby, against the question, chiefly urged how inconvenient it might be for the members to have a power whenever they pleased, to desert the service of the House—instanced the famous secession in Sir Robert Walpole's time, and observed, that if it had been in their power to have vacated their seats altogether, it might have been attended with

ated by the most candid and disinterested principles; who has never been the dupe of a party, or ever reaped or desired to reap any other advantages than those that naturally flow from the preservation of our happy constitution; who never trafficked with any man for parliamentary promotion, nor did ever listen to any proposals, however lucrative, made to him upon that subject; but voluntarily and unconditionally recommending those whose honour and integrity he thought he might rely upon in so momentous a trust, left them of full liberty to judge and act for themselves in all matters of a public and national concern, yet such is the person whom the minister has thought proper first to insult and afterwards to asperse,

with the inconvenience of an almost general election; that if on any popular question the members of London and Middlesex were to vacate at once, even that might be attended with great commotion.

Mr. *Burke*. He ridiculed Mr. Rigby's notion of the danger that might accrue at a moment of discontent, if a whole party should resolve all at once to surrender their seats, and create a sort of general election; as the instant that mens minds were inflamed and agitated, it would, he said, be a strange and unheard of revenge upon a minister, for his enemies to put themselves to the expence, trouble and risque of new elections, and very different from the conduct of those who made the secession in Sir R. Walpole's time, whose standing aloof might have drawn the public attention, and consequently have raised an alarm in the minister.

He did not however seem to run the whole line of the proposition, and seemed to own the inconveniences of leaving it to every man's own discretion to vacate his seat when he pleased: but thought it enough to leave a member at liberty concurrently with the possession of his seat, to offer himself at any other place, and then be permitted to make his choice for that place if he succeeded, just as is now done, and was done by himself in this parliament, being chosen for two places; which mode was, he seemed to think, liable to none of the inconveniences of every man's vacating at his own discretion; but as the progress of the bill admitted every man to offer such plan as he chuses to obviate the present mischief of a power in the minister to give undue preferences to his own friends and favourites, he declared strongly for bringing in the bill, on the principle that Lord North had laid down, as meaning to give it as a reward to those only who voted with him in the American measures. He said the House would not have borne at any time, and ought not to bear, that every minister would dignify his own measures with the honourable epithets of serving the public. He was as severe upon, and as strongly reprobated the American measures as Lord North had applauded them; and insisted that Lord North in holding that language had held this out as one more douceur for those who would support him in that ruinous and mad career of violence that tended to alienate the colonies.

Sir *George Savile*. In his opinion it would have been almost criminal in Mr. Bayly to have kept the letter secret. He had no knowledge of Mr. Bayly, but should hereafter greatly esteem his conduct in bringing the letter forward. It was not of a private but a public nature. He turned the arguments used by Lord North and Mr. Ellis against themselves.

Lord John
Cavendish

Lord John Cavendish, on the same side and nearly to the same purpose, thought Mr. Bayly could not dispense with secreting the letter.

Mr. Bayly.

Mr. Bayly, to explain. Thought it his duty to mention to the House these facts—if Lord North had granted the Chiltern hundreds, there would have been another member for Abingdon.

Sir J. Griffin.
Griffin.

Sir J. G. Griffin observed, that many arguments had been used by the honourable gentleman on the floor [Mr. Rigby] not very fairly he thought, to shew the improprieties of a bill not yet existing; and which, if hereafter found in the bill itself, might be very good reasons to urge for not passing it, but would be none in the present case; should therefore be for introducing the bill into the House, to see if it could not be so framed as to remove the present inconveniences, without incurring greater.

Mr. Ack-
land.

Mr. Ackland for the question, but observed that the arguments of Mr. Rigby were so forcible, that unless obviated, he should perhaps vote against the bill.

Col. Barré.

Colonel Barré, in a jocular manner, closed the debate. He observed, that tho' the noble lord had refused Mr. Bayly on his late application, yet he durst say that if he would now apply a second time, the noble lord would immediately give him the Chiltern hundreds; he would not have the minority think this favour would be always granted to the friends of administration and denied to them; he remembered when it had been granted to the gentleman who sat next the noble lord [Mr. Wedderburne] and yet if that gentleman was now to apply for it, he had no doubt it would be denied him; that as the noble lord had declared the supporters of the present American measures to be those who were here intitled to the noble lord's favours, he would propose to him an accomodation they could have no objection to, viz. that he should give all his valuable places, pensions, &c. to them, and those of little or no value, as the Chiltern hundreds, to the opposition. He asked, was the letter marked *confidential*? was it a *private letter*? It was not. The letter was of a public nature, and therefore the honourable gentleman [Mr. Bayly] was bound to read it.

[In the course of the debate proof was brought, that in the last parliament Lord North had not kept strictly to the rule he wished to be understood to have laid down, having set Mr. Herbert at liberty to oppose Mr. Goddard for the county of Wilts, and Mr. Lemon to oppose Mr. Praed for the county of Cornwall.]

Division, Ayes 126. Noes, 174.

A petition of the clothiers and other principal inhabitants of Trowbridge, in the county of Wilts, was presented to the House, and read; setting forth, that the petitioners observe, certain persons, styling themselves representatives of the people of sundry provinces in America, assembled in general congress, have presented a petition to his Majesty, in which they question the authority of the supreme British legislature, to enact laws for raising a revenue in those parts of his Majesty's dominions; and that the petitioners conceive, the openly or tacitly giving up, in this instance, the authority of the legislature of Great Britain, over the American colonies, would be not only highly derogatory to the honour and dignity of the crown and parliament, but greatly injurious to the welfare and trade of Great Britain, and that the petitioners cannot be insensible that, if their fellow subjects in America are exempted from contributing, in such way as the British legislature shall judge best, and in some equitable proportion, with the inhabitants of Great Britain, to the revenues necessary for supporting the dignity of the crown, the administration of government and justice in, and the protection of, the whole empire, such exemption to them must occasion the people here being unequitably and too heavily burdened; and as the petitioners apprehend, the disproportioned and heavy share of the public burdens, with the inhabitants of this kingdom have been hitherto called to bear, has been one occasion of numbers of different branches of the woollen manufacture already emigrating to America, so they are persuaded the continuance of such disproportion would be a means of drawing from hence to America yet more and more our most useful and industrious manufacturers and mechanicks, to a degree, which, in the end, must be pernicious both to the landed and commercial interest of Great Britain; and therefore praying, that the house will ever assert and maintain entire the supremacy of the British legislature over his Majesty's dominions in America, and provide by such laws and measures as to the House shall appear best, that whilst the inhabitants of those dominions, claim and expect countenance and protection from the influence of the British government, and the united strength of the British empire, they be obliged to contribute an equitable share towards the honourable support of that government, and the means of providing for the common defence and security of that empire.

A petition of the like import from Nottingham, was presented: entitled a petition of the aldermen, sheriff, principal

manufacturers, and inhabitants, of the town and county of the town of Nottingham, whose names are thereunto subscribed; setting forth, that the petitioners very sincerely lament the unhappy differences which have already arisen between Great Britain and her colonies, and cannot without great concern and abhorrence, reflect upon that seditious spirit, which hath broken out with such violence in the province of Massachusetts Bay, particularly in the town of Boston, whose inhabitants, by their disobedience, have set at defiance the laws and government of this kingdom; and that the petitioners having seen the very ungrateful return made by the Bostonians, for the uncommonly mild and indulgent kindness testified to them by the British senate in the repeal of the American stamp act, are much surprised to find that petitions have been repeatedly urged in their favour to the house, and in particular by some of the manufacturing hosiery of the town of Nottingham; and that the petitioners, from their intimate knowledge of the manufactory of this town, well know that the allegations of such petitions are highly exaggerated; and that the zeal of the petitioners hath led them beyond the bounds of sober and important truth, representing calamities, which have never yet, nor in the remotest probability will ever be felt and experienced by the inhabitants of the said town in the degree stated; and that the petitioners, from the present disposition of the Americans, apprehend that the trade and commerce of Great Britain with her colonies cannot be effectually restored, and permanently secured, without a due and proper submission and obedience to the laws and government of this kingdom; and therefore beseech the House to take such measures as may seem most likely to secure and maintain the supreme authority, honour, and dignity of Great Britain, enforce a due obedience to her laws, and restore subordination, order, and good government in America.

This produced a third petition from Nottingham, [*the first was presented February 8. see page 171*] entitled a petition of the manufacturing hosiery of the town and county of the town of Nottingham, was presented to the House, and read; renewing their application to the House, from a deep sense of the importance of the facts contained in their former petition from a perfect knowledge of their truth, and apprehensive of the unhappy influence which such an intervening petition from the other inhabitants of the said town, intituled, "A petition

"A petition

"tion of the aldermen, sheriffs, principal manufacturers, and
 "inhabitants thereof," may have upon the deliberations of
 parliament at this important juncture; and, knowing no
 greater crime to their country, than to approach their repre-
 sentatives with falshood, and thereby mislead the great coun-
 cil of the nation, the petitioners beg leave to express their
 abhorrence of the unjust representation of the manufacturers
 of this town and neighbourhood, which men, styling them-
 selves its aldermen, principal manufacturers, &c. have not
 been afraid to present to the House; and that the former pe-
 titioners do constitute a very great majority of the real manu-
 facturers of this town, and the present petitioners are the
 committee appointed by them to transact this business; the
 distress they represented in their former petition is real, has
 already in some measure taken place, and they are persuaded
 must increase upon them every day, beyond their abilities to
 support, should the present cessation of the North American
 trade continue; and the contrary representation of men ill
 capable of judging of their trade or its dependencies has no
 foundation in truth, not one fifth of the signers of that pe-
 tition being manufacturers, or any way concerned in the
 North American trade; and it is to obviate the impression
 which such misrepresentation may have, to second that relief
 which the House may be now meditating for their distress,
 and to contribute by their particular experience to that per-
 fect knowledge of the real state of the manufactory of this
 town and neighbourhood, but the petitioners earnestly en-
 treat that they may be heard, in proof of the several allega-
 tions in this their present and former petitions,

A petition of gentlemen, merchants, and traders in the
 woollen manufactory, at and near Huddersfield, in the West
 Riding of the county of York, was presented to the House,
 and read; setting forth, that the petitioners are very essen-
 tially interested in the woollen trade of the northern parts of
 this kingdom, and particularly in the narrow cloths; and
 that the trade there has been good the last year, and is so at
 the present, notwithstanding the difficulties that it necessarily
 meets with from the conduct of the Americans, in presuming
 to obstruct the trade from thence to many of the colonies in
 America; and that the petitioners apprehend, that any sub-
 mission to their unjust and lawful demands would be most
 prejudicial to the petitioners, as well as to the kingdom in
 general, as it would tend to make them more insolent, and

totally to overthrow the lawful authority which the king and parliament must have over all its dominions ; but, should the petitioners suffer a present loss, they are willing to do so, rather than a certain future one, which must involve themselves and their posterity, and consequently the whole kingdom, in perpetual distress ; and therefore praying the House will take all such measures as shall be thought advisable, to support the lawful authority of this kingdom, and maintain the just rights and privileges thereof, in opposition to all its enemies whatsoever.

A petition of the merchants, linen-drappers, and principal inhabitants of the town and neighbourhood of Belfast, in the kingdom of Ireland, was also presented to the House, and read ; setting forth, that the petitioners, with the deepest concern for the unhappy differences which at present subsist between Great Britain and her American colonies, and from an apprehension of the fatal consequences which may arise from them, beg leave to set forth, that, as their export trade with the American colonies consists chiefly in the exportation of linen manufacture, and that of white and brown linens only, by the non-importation agreement the petitioners are deprived of this the only valuable branch of export they are permitted to carry on with those colonies, and of which they already begin to feel the unhappy effects ; and, that if the linen manufacture decays, this kingdom must be reduced to such a state, as, from want of employment at home, to encrease emigrations, reduce the value of lands, and diminish every branch of the poor remains of the trade they enjoy ; and that the chief commodities which the petitioners have liberty to import from America into this kingdom being flax seed, lumber, wheat, and flour, should the non-exportation take place, they must necessarily be deprived of flax seed to raise flax to carry on their linen manufacture, of staves for casks to contain our beef, pork, and butter, for the supply of Great Britain, his Majesty's navy, and the West India islands ; and that this train of consequences is destructive to the landed property, manufactures, and commerce of this kingdom, and of course must occasion a very sensible diminution of his Majesty's revenues, from the then absolute inability of the inhabitants ; and therefore praying that the House would take the premises into their consideration, hoping that some expedient may be found out whereby

whereby these consequences may be prevented, harmony restored, and established upon a solid and permanent foundation.

All referred to the same committee, to whom the petitions from the merchants of London, &c. were referred,

March 16.

The House in committee on the West India planters petition; which was presented on the 2d of February last, by Mr. Alderman Oliver; who said, the petitioners requested that they might be allowed to bring evidence in support of their petition. (*See a copy of the petition, page 131.*)

Mr. Glover appeared as agent for the petitioners, and manager of the evidence, in support of the petition.

George Walker, Esq. called in.

Question. What is your situation?

George Walker, Esq.

Answer. I am of Barbadoes; resided there a great many years, and have been their agent ever since I left the country.

Q. Please to inform the committee, what you know in relation to the state of Barbadoes, the Leeward Islands, and the rest of the sugar colonies?

A. My situation having been such, as to afford me the means, I may be presumed to know something of the state of Barbadoes, of the islands in its neighbourhood, and of the sugar colonies in general. Barbadoes, and all the sugar islands, are to be considered as countries, in which a great manufacture is established. It is a manufacture of sugar and rum. Instead of being able to purchase at market, the raw materials for the manufacture, they are obliged to produce the raw materials from their own soil. They ingraft the farmer upon the manufacturer; not (in the intention of furnishing the workmen with food, but) from the necessity of growing the raw material. Thus the land and labour of the country being devoted to the cultivation of the sugar-cane, the corn and provisions they raise are merely accidental; they are no more than can be raised without prejudice to the sugar-cane. To the sugar-cane every thing is sacrificed, as a trifle to the principal object. In Barbadoes, I doubt whether the corn, (it is Indian corn, not wheat) and the ground provisions (I mean yams, and other roots) raised in the island, are sufficient to maintain the inhabitants for three months; I am certain they will not maintain them for four months, unless

unless the four months be those in the beginning of the year, in the season for ground provisions. The Indian corn and ground provisions cannot, by common means, be preserved for any length of time. I ought to add the uncertainty of the native products, especially of Indian corn and ground provisions: dry weather, or excess of wet weather, hurricanes, blast, vermine, frequently diminish or destroy the hopes of the planter. The last year exhibited a melancholy example in Barbadoes, many families having been supported by public contributions. Nor is the soil in every plantation capable of producing corn, although very proper for the sugar-cane. As to the Leeward Islands, they produce neither corn nor ground provisions worth mentioning, except Tortola. Tortola was a cotton colony; cotton and corn are not inconsistent. Tortola began to make sugar within my remembrance; and there is reason to believe, the whole country is not yet engrossed by sugar-cane. From this view of the sugar colony, in the light of a manufacture, where the soil, as well as the labour, is employed in the manufacture, it follows, that such colonies must depend, in proportion to the extensiveness of the manufacture, upon other places for necessary food, for actual subsistence. The observation applies to Jamaica, and to the islands under the Granada government.

Q. From what places do the sugar colonies draw food for subsistence?

A. They are not many; Great Britain, Ireland, North America. From Great Britain, the sugar colonies receive a little salted fish, pilchards from the west, herrings from the north. As to corn, they receive no wheat in grain, and a mere trifle in flour. The flour, during the three years, from 1771 to 1773, may be shewn to have been under four quarters, upon the whole to all the West Indies. It may be shewn that the beans and peas together, do not exceed thirteen thousand quarters, nor the oats nineteen thousand; and even this importation, small as it is, is owing to a particular circumstance: it is, that the Indian corn of North America, the great supply of the West Indies, soon perishes in a hot and moist climate; and as the trade is carried on from different provinces, it is unconnected, unconcerted, dependent upon the opportunities, upon the caprices of individuals; dependent upon accidents of winds and weather: it is, therefore, in its nature irregular. A fortuitous combination, sometimes increases the irregularity to such a degree, as to reduce a particular colony

lony to a real, though temporary distress. Beans, peas, and oats, being capable of a longer resistance against putrefaction, than the Indian corn from North America, the sugar colonies, especially the Leeward islands, who have the fewest internal resources, do therefore make some provision in these articles, against that temporary distress; so delicately strained already is the string, which is now threatened with rough and unremitting violence. I purposely forbear other articles of food from Great Britain, intended for the use of people of some condition, hams, cheese, and the like; they belong properly to the general commerce of Great Britain with the West Indies. I confine myself at present to necessary food. Ireland furnishes a large quantity of salted beef, pork, butter, and herrings, but no grain. North America supplies all the rest, both corn and provisions. North America is truly the granary of the West Indies; from thence they draw the great quantities of flour and biscuit, for the use of one class of people, and of Indian corn for the support of all the others; for the support not of man only, but of every animal for the use of man, horses, swine, sheep, poultry. North America also furnishes the West Indies with rice. Rice, a more expensive diet, and less capable of sustaining the body under hard labour, is of a more limited consumption, but is a necessary indulgence for the young, the sick, the weakly, amongst the common people and the negroes. North America not only furnishes the West Indies with bread, but with meat, with sheep, poultry, and some live cattle; but the demand for these is infinitely short of the demand for the salted beef, pork, and fish. Salted fish (if the expression may be permitted in contrast with bread) is the meat of all the lower ranks of people in Barbadoes, and the Leeward Islands. It is the meat of all the slaves in all the West Indies. Nor is it disdained by persons of better condition. The North American navigation also furnishes the sugar colonies with salt from Turk's Islands, Sal Tortuga and Anguilla; although these islands are themselves a part of the West Indies. The testimony which some experience has enabled me to bear, you will find confirmed, Sir, by official accounts. The same accounts will distinguish the source of the principal, the great supply of corn and provisions. They will fix it precisely in the middle colonies of North America: in those colonies, who have made a publick agreement in their congress, to withhold all their supplies after the tenth of next September,

September. How far that agreement may be precipitated in its execution, may be retarded; or frustrated, it is for the wisdom of parliament to consider: but if it is persisted in, I am well founded to say, that nothing will save Barbadoes and the Leeward Islands from the dreadful consequences of absolute famine. I repeat the famine will not be prevented. The distress will fall upon them suddenly; they will be overwhelmed with it, before they can turn themselves about to look out for relief. What a scene! when rapine stimulated by hunger has broken down all fences, confounded the rich with the poor, and levelled the freeman with his slave! The distress will be sudden. The body of the people do not look forward to distant events; if they should to this, they will put their trust in the wisdom of parliament. Suppose them to be less confident in the wisdom of parliament, they are destitute of the means of purchasing an extraordinary stock. Suppose them possessed of the means; a very extraordinary stock is not to be found at market. There is a plain reason in the nature of the thing, which prevents any extraordinary stock at market, and which would forbid the planter from laying it in, if there was: it is, that the objects of it are perishable. In those climates the flour will not keep above six or eight weeks; the Indian corn decays in three months; and all the North American provisions are fit only for present use.

Q. If the West Indies are deprived of their usual supplies of corn and provisions from the middle colonies of North America, are there no resources by which the deficiency may be made good?

A. I will examine the resources I have heard mentioned. Great Britain cannot increase her exportation of corn and provisions to the West Indies; for she would increase a scarcity at home already complained of: notwithstanding the assistance she largely receives herself; particularly in wheat and flour from North America. Ireland has other markets to furnish besides the West Indies; these markets will not suffer themselves to be deprived of their usual share, beyond a certain limited degree; a degree too limited to supply the whole West India consumption. The colonies at the southern extremity of America, the two Floridas, are not able to feed themselves; and Georgia, a small country, is said to have acceded to the congress. At the northern extremity, St. John's is in its infancy. From Nova Scotia, the West Indies receive some small supplies.

As

As to the salted fish from Newfoundland, it is fish from New England; it is taken upon the banks by the New England people chiefly; who are to have none to send us, unless the fishery bill should operate a submission, or have no operation at all. Canada, Sir, produces not Indian corn. In the hands of Great Britain, and under English laws, it has exported wheat;* but the quantity is neither equal to the demand of the West Indies; nor is it prepared for the West India market; but all these are expedients for a distant day. In future times from all these countries, according to their several natures, a constant and regular demand will create a constant and regular supply. It is impossible; it is inconsistent, with the nature of commerce, to furnish an adequate supply to a vast, an immediate, and an unexpected demand; the demand and the supply must grow up together, mutually supporting and supported by each other. One more expedient remains; it is distant like the rest: it will be effectual, but it will be ruinous; it is to change our system. We must abandon the manufacture, and apply the land and labour now appropriated to the manufacture to the purposes of raising food. The undone remnant of the people, who shall not have fallen victims to the intermediate famine may thus provide against it for the time to come. I flatter myself, Sir, I have shewn from a deduction of facts the dependence of Barbadoes and the Leeward Islands upon North America for subsistence. I leave it to gentlemen of more intimate knowledge of the state of Jamaica than I can pretend to, to shew that a relation of the same kind, and if not to the same extent, yet far beyond the common opinion, subsists between that great island, and the northern continent. As to Granada and its dependencies, Sir, let me only observe, that the manufacture of sugar and rum, and the cultivation of coffee in those islands, having been prosecuted with unremitting ardour, little of their labour can have been diverted to the raising of corn and provisions. Their dependence upon North America was reasonable; and I may venture to conclude it to be similar to that of their neighbours. I have been the more explicit upon this subject, the dependence of the West Indies upon North America for subsistence, as it is the calamity which presses immediately, affecting life as well as fortune; it is a distress which your humanity will conspire with your interest to prevent;

Y y

vent;

* Eighty thousand quarters. This sentence is not in the evidence.

vent; and I trust that the wisdom of parliament will find the means.

Q. What is the commodity called lumber? For what purpose used, and whence procured?

A. In the West Indies, they understood by the term lumber every species of North American wood, when prepared for the use of buildings or the cooperage. It includes the deal, the pine, the cypress, the cedar, the white oak, the red oak, and others; and comes in the shape of beams, joists, planks, boards, shingles, staves, and in logs. Buildings where great strength is required, and which are exposed to wind and weather, demand timber of a texture more solid, and of a quality less subject to decay in those climates; it is distinguished by the name of hard wood; mahogany is of that tribe. Such, as far as my experience extends, grow only between the tropicks; the price is high, three and four shillings sterling the cubick foot; employed from the call of necessity, the consumption is limited. For every other purpose of the carpenter and of the cooper, it is the lumber of North America that is used. It is a pleasure to me, Sir, to spare the patience of the committee a detail of conjectural calculations. I understand that there is some official paper which will inform you precisely. The part which is furnished by the middle colonies of North America is out of all proportion to the others. Without lumber to repair the buildings they run immediately to decay. And without lumber for the proper packages for sugar, and to contain rum, they cannot be sold at market, they cannot even be kept at home.

Q. Are there not places, besides the middle colonies of North America, from whence may be drawn a supply of lumber, in some degree proportionate to the wants of the West Indies?

A. I will examine. The first resource may be in the colony itself: but Barbadoes and the Leeward Islands are altogether destitute of wood. The gentlemen of Jamaica will inform you how unequal their country is to its own demands. Remains the government of Granada. And here I beg leave to state a fact. Ready-made houses of North American lumber have been exported from Barbadoes to the islands under the government of Granada. These islands have plenty of wood; and this wood is of a more durable nature than lumber: but an anxiety for the staple manufacture superseded this consideration; and the labour of the slaves instead of being turned to the providing of materials for the carpenter, was reserved for the cultivation of the sugar cane.

Although

Although the sugar colonies may find no resources from their soil, they may find it in their market at home. Lumber is a commodity not so perishable as corn and provisions. A stock of it might be laid in. This certainly is an expedient. It will be attempted by the provident and the wealthy;—the combined description includes not a multitude in any country,—and the attempt will greatly enhance the price. But it is practicable only to a certain point. It must be confined to the quantity at market. If an unusual quantity should be imported, as is probable, supposing no sinister events to prohibit, the planter has no fund to pay for it. I speak of the great body of planters in general. They are not able to provide for the expences of two or more crops out of the profits of one crop. It is well if every crop can bear up against its own particular load. Sufficient to the day is the evil thereof. Before I proceed to external resources, I beg leave, Sir, to repeat what I have said before, upon the subject of a new channel for the supply of corn and provisions. I said it was inconsistent with the nature of commerce to furnish an adequate supply to a vast, an unexpected, and an immediate demand: that the demand and the supply must grow up together, mutually supporting and supported by each other. This principle destroys the prospect of a timely and effectual assistance from any quarter whatsoever. Not content with the operation of the general principle, I will examine the particular resources. I will only say of the two Floridas, that the population is feeble in the extreme. Georgia sends some lumber; but Georgia is said to have acceded to the congress. What has been said of the Floridas, with respect to population, is applicable to St. John's, and in some measure to Nova Scotia. Nor does Nova Scotia export any materials proper for casks to contain rum. In Canada the population is not adequate to the new enterprize, without neglecting points of greater importance in their system. I say of greater importance. Because the West India market is now open to them; an exchange of West India commodities is desirable; and notwithstanding, Canada exports not lumber to the West Indies. In truth, there is a mass of objections, which nothing but a length of time can overcome. Supported by large capitals, or long credit, Canada must first combine several commercial objects, so as to furnish an assortment of cargoes. They must have proper artificers, as well as people. They must provide a navigation equal to the bulky commodity, equal to it under the accumulated difficulties of a great distance, and the dangers

gers and delays of a river covered or choaked with ice for more than half the year. If there is little or no resource to be found in America, let the West Indies, in search of lumber, turn their eyes to Europe. I pass over Great Britain and Ireland, because they both import vast quantities of lumber. No inconsiderable part of it is drawn from the middle colonies of North America. But it is to be found in Europe, of every sort and in every shape. The demand of the West Indies has been shewn to be vast. It will be immediate. The tenth of September is advancing very fast, and the demand will be unexpected; unexpected, in the opinion of every person who hopes that lenient measures may be adopted; unexpected, in the opinion of every person who, without reasoning farther, depends upon the wisdom of parliament, to extricate the West Indies, and in them the whole empire, from danger. A domestic event, unexpected in Great Britain, will not be presumed in foreign countries. Nor Germany, nor Norway, nor the Baltick, will risk an extensive operation in commerce, upon the speculative idea of a continuance of a most unnatural quarrel. I will however suppose for a moment, that Germany provides a more plentiful stock of staves; that Norway and the Baltick pay the like attention to their deals. I pray it may be understood that the freight of bulky goods trenches deeply into their value. The freight of lumber from North America to the West Indies a short safe passage, is a moiety of the goods shipped. The double voyage, first to Great Britain, and then to the West Indies, takes away at the same rate for distant and hazardous voyages, an half of that moiety, leaving only a quarter part to the original shipper. At what an enormous price then must this lumber come to the hands of the consumer? By a suspension of the acts of navigation, it may indeed be carried to the West Indies, disincumbered of the intolerable burden of a double voyage; yet add the original price, much higher than in America; add the increase in the price from the increase in the demand from Great Britain, Ireland, and the West Indies; the remedy itself is only the lesser evil.

Q. What other species of commodities from the middle colonies are interchanged with the West Indies?

A. Besides the absolute dependence of the West Indies upon North America, for subsistence and for lumber, there are supplies less consequential, but very useful, and even necessary in some respect to the West Indies; which are furnished by the confederating colonies. The articles of

train-oil for the many lamps in the sugar-works, horses for the saddle and for draft, tallow, leather, tobacco, pitch, tar, turpentine, iron, sloop and boat-timbers, and some others. As to ships, I refer them to the head of the navigation created by the commerce of the West Indies.

Q. What commodities do the sugar colonies give in exchange to North America?

A. They did give a part of all their products in exchange: but the middle colonies have refused to take melasses, syrups, paneels, coffee, and pimento, since the first of last December. The principal exchange is of sugar and rum. The sugar is generally supposed to amount to twenty-five thousand hogsheads directly, besides fifteen thousand hogsheads in the shape of refined sugar from England. As to rum, the dependence of all the islands, except Jamaica, is as great upon the middle colonies of North America for the consumption of their rum, as it is for subsistence and for lumber. Jamaica sends about eleven thousand pancheons to London, which stocks the market at the present price. Lower the price, the method is plain and easy, the consumption increases in proportion. Nor will the revenue suffer. How far the expedient may save Jamaica in this momentous article of their manufacture, I leave to be explained by gentlemen more intimately acquainted with that island. The rum of Barbadoes, the Leeward islands, and the government of Granada, does not come to England, except in small portions. It goes in part to Ireland; and all the rest, the great quantity, is distributed chiefly amongst the middle colonies of North America, agreeable to the law of reciprocal exchange. The agreement of those colonies, which is to take place the tenth of next September, extends in words, only to the withholding of all supplies. But it must effect a total suspension of commerce. They will not send their vessels in ballast, to purchase with gold and silver the goods they have been accustomed to receive in exchange for the products of their own soil and industry. It is an idea repugnant to every principle of commerce: it is more; it is repugnant to the spirit which now inflames those colonies. Sir, I have shewn, I trust, the absolute dependence of the sugar colonies upon the middle colonies of America, in three essential points; viz. for corn and provisions for subsistence: for lumber and other necessaries for the maintenance of their plantations: and lastly, for the consumption of their produce of all kinds, greatly of sugar, but principally of rum. This doctrine of the dependence of sugar colonies

colonies upon North America is confirmed by an authority, which will not be disputed. The act of parliament of the sixth of George the second, chapter the thirteenth, was made upon this occasion. The British sugar-colonies complained of the great increase of the French sugar-colonies, and demonstrated the increase to have been owing principally to the support which the French sugar-colonies received from the middle provinces of North America, in exchange for sugar and melasses. Perhaps it is beside my present purpose to remark the manner in which the administration of those days adjusted the great dispute. Sir, they contrived to please both sides. To the islands, they gave the letter of the law; and the continent they indulged in the breach of it. The fact is all I want. It shews that even the French sugar-colonies do depend, in no small degree, upon North America. Nor are the Danes in the islands, nor the Dutch in the southern continent, an exception. Such is the force of that principle, which considers a sugar plantation, as a manufactory obliged to raise its own materials. If, in the course of events during this unhappy dispute, the foreign colonies should be deprived of their resources from America, it is not my province to examine whether the distress will be looked upon with indifference: but it becomes me to hope, that Great Britain will never suffer her own to be ruined for want of the accustomed and necessary supplies from North America.

Q. What is the kind of property in the West-India islands? And can you estimate the value thereof?

A. The nature of the property vested in the West-Indies will appear by the estimate of its value. I shall calculate in sterling money of Great-Britain. To begin with Barbadoes. It stands first on the map. This island contains one hundred and eight or six thousand acres. The land is almost intirely under cultivation; but I will reckon only upon the hundred thousand. From a knowledge of a multitude of appraisements made upon oath, by freeholders of the vicinity, upon occasions of deaths, or of extents for the payment of debts: from many actual sales: I state that thirty pounds an acre is a reasonable valuation. I include with the land all the dwelling-houses in the country, the sugar-works and the young crops. I throw in the cattle, the plantation, and household furniture. This article of the land, amounts to three millions. The negroes, by a poll-tax, in which the whole number is certainly not included, are seventy-five thousand; cheap at forty pounds each, they make a second sum of three millions. I throw in the two towns
whole

whose rents amount to forty thousand pounds a year, as a casting weight to make good the aggregate sum of six millions. Taking Barbadoes as a standard, by which to measure all the rest of the sugar colonies, I observe that the sugar exported from Barbadoes to all parts, at a medium of many years (it is a calculation formed upon the receipts of the duty of four and an half per cent) is about fifteen thousand common hogheads a year. Now the sugar imported into Great-Britain alone, from all the sugar colonies, amounted in the year seventy three to one hundred and seventy-thousand hogheads, allowing ten hundred weight of sugar to a hoghead. The import of seventy four is more. I will suppose the produce of Barbadoes to be as one in ten. If a part of the Barbadoes sugar is clayed, if its muscovado is properest for common use, yet there are clayed sugars from other islands; the muscavado of several, especially of St. Kit's, is fitter for the refiner. Besides, twenty thousand such hogheads are deducted, and a greater number of common hogheads, I mean the exports to North America, are omitted, before the proportion of one in ten is stated. If Barbadoes yields ginger, cotton and aloes, the other colonies add to the same products, coffee, pimento and other articles. The capital of Barbadoes then being six millions, and its produce as one in ten of the produce of all the West-Indies, it is fair to conclude, at the same proportion, the capital of the whole to be sixty millions: a conclusion which amply warrants the petition in declaring it to be upwards of thirty millions. I take nothing in the estimate for the value of the future increase of Jamaica and the new settled islands.

Q. Can you make any estimate of the value of West-India property owned by persons who live in England? and of the amount of the debt due to this kingdom from the West-Indies?

A. Of the millions vested in the West-Indies, many are the property of persons residing in England, and not a few are united and consolidated with the landed property of this kingdom. It is difficult to ascertain the total. I have endeavoured at a calculation for Barbadoes, and am below the mark in stating it at one million four hundred thousand pounds. In the other islands, for obvious reasons, the proportion is greater than in Barbadoes. The most eminent merchants will tell you, that they have hardly any body to correspond with in St. Christopher's, except the overseers of plantations. Resuming Barbadoes as a rule to measure with, the proportion is fourteen millions. It is a more difficult and a less pleasing task to investigate the millions due to the merchants and others in

in this kingdom, upon the security of West-India plantations. I can form no particular estimate. The sum in general is immense. The sugar-trade, from its infancy, by reason of the small capitals of the first planters, and the great cost of a sugar manufacture, must have been the creatures of credit. It was raised to the present pitch by the wealth of the merchant supporting the industry of the planter. Neither is it necessary to be exact in the value of the property of the English residents, nor of the debt to the English merchants and others. For the sugar colonies are really no other than a British manufacture, established at the distance of three and four thousand miles for reasons of convenience. And the dependence of this manufacture is the same as if it was situated in the heart of the kingdom. I do not retract the idea of its dependence upon North-America. In such a case, it can be suggested only in theory, Great-Britain must draw from North America the supplies, without which her manufacture, where-soever it is situated, is incapable of subsisting.

Q. What are the advantages of the sugar colonies to Great-Britain? and what to the revenue thereof?

A. I desire, Sir, I may consider them as a British manufacture, whose capital is sixty millions. The advantage is not that the profits all ultimately centre here: it is, that it creates, in the course of attaining those profits, a commerce and a navigation, in which multitudes of your people, and millions of your money are employed. It is, that the support which the sugar colonies receive in one shape, they give in another. In proportion to their dependence upon North America, and upon Ireland, they enable North America and Ireland to trade with Great-Britain. By their dependence upon Great-Britain for hands to push the cultivation of the sugar-cane, they uphold the trade of Great-Britain to Africa. A trade which in the pursuit of negroes, as the principal, is not the sole intension of the adventurer, brings home ivory and gold as secondary objects. In proportion as the sugar colonies consume, or cause to be consumed amongst their neighbours, Asiatic commodities, they increase the trade of the English East-India Company. In this light I see the India goods, which are carried to the coast of Guinea. In proportion as the West-Indies use the wines of the African island, and as they use the products of Europe, so far they add to the

* The medium of fourteen years from 1756 to 1773, 469,237 l. Imports from Africa 49,858 l.

trade of Great-Britain with the African islands, and with the rest of Europe. Without taking in any of these circuitous channels, the direct exports to the West-Indies will appear, by official accounts, to be of immense value, † will shew the wealth gradually earned by the hand of labour and of skill, which the sugar colonies are daily adding to the national stock. I hardly dare venture to place in this light the salaries and profits of the officers appointed by government for the superintendence of the West-Indies. As to revenue, the nett receipt I understand to exceed seven hundred thousand pounds.

Q. In case the usual intercourse between North America and the sugar colonies, should be interrupted, what would be the prejudice to Great Britain, and to the revenue thereof?

A. The advantages arising from, and dependent upon the usual intercourse, must cease with the interruption. I will not add, that the nation is to pay in money to the foreigners, the large sum for West India commodities, for which the British manufactures, and the profits of a circuitous commerce, are now given in exchange. The observation would be fallacious. The decrease in the consumption of West India commodities will surely keep pace with the decay of the manufactures and commerce the West Indies supported. The revenue will lessen in proportion to the diminished consumption, nor will the loss stop at the West India commodities. The revenue from tea, without the accustomed plenty of sugar, without the profits of the sugar trade, and of the commerce created by the sugar trade, will sink into insignificance; the interruption will be felt severely in every branch of revenue; for it will be felt severely in every branch of trade which contributes by consumption to the revenue; and in trade, as in the human body, nothing suffers singly by itself; there is a consent of parts in the system of both, and the partial evil grows into universal mischief. Of all the branches of commerce which will suffer immediately, or indirectly, from the interruption of the usual intercourse, the most important is the navigation. By investigating its value, we estimate the loss. It is equal to the bulky products, and still more bulky supplies of a stock in trade of sixty millions: it is co-extensive with the commerce created by that trade, comprehending the navigation to Africa, and making no inconsiderable part of that of England to the East Indies, and to the

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† Medium of exports for fourteen years from Christmas 1756 to Christmas 1773, is 1,145,735 l.

rest of Europe. It establishes, as is asserted in the petition, a strength, which wealth can neither purchase nor balance. Sir, I will add, it is a strength which is so justly a favourite with the nation, that nothing but some unhappy mistake can deprive it of the national protection and support.

Mr. *Innes* asked, How many white people are there in Barbadoes?

Question objected to.

Withdrew.

Called in.

Q. What is the common food of the negroes in the Leeward Islands?

A. In all the islands it is salt fish (as I said before) and Indian corn. I entered into those points particularly before.

Q. Whether the islands will not be supplied equally well, notwithstanding the Newfoundland fishery from New England should be stopped?

A. That is a matter of opinion. I came here as an evidence of facts, which I hope will influence the opinions of the House, but not to obtrude my own. My opinion is, that they will not have the usual supply, because there will not be the usual quantity taken, and fewer people to carry it to them.

Q. What proportion of land in the Leeward Islands, being applied to the raising provision, would supply the negroes with provisions, on an estate of 200 hogheads, for instance?

A. The native products of the islands are very uncertain; all so, but Guinea corn; therefore much more land must be applied to this purpose than would be necessary to raise the supply for the regular constant consumption. They must provide against accidents, such as hurricanes, excess of wet weather, or of dry weather, the climate being very uncertain; it is therefore impossible to answer this question precisely: but this I can say, that if they were obliged to raise their own food, that their food must be then their principal object, and sugar only a secondary object; it would be but the trifle, which provisions are now.

Q. If the planters could not be supplied from North America, would they not have a share of fresh provisions from Great Britain and Ireland, to answer their wants?

A. They must have more than a share; they must have a full proportion for their whole subsistence, and England cannot afford it; it would occasion a scarcity at home.

Q. Would not the merchants here send out cargoes of provisions to the West Indies?

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A. I answered that question, and most of the others before, by obviating them in my evidence. I have said, and repeat, that Great Britain cannot increase her exports of provisions to the West Indies, without increasing a scarcity already complained of at home.

Q. What quantity of flour is allowed to the white people on an estate of 200 hogheads?

A. No regular allowance. They have rice, biscuit, as they may want, in proportion as a variety of things, which are provided for them by the plantation, falls short or abounds.

Q. Whether deal boards would not do in the room of staves for packing sugar?

A. The Portuguese pack in chests; but they are not made of deal boards, but of strong plank. We must make a total alteration in our shipping, our tradesmen, and many circumstances, if we were to pack our sugar in chests.

Q. Whether there are not many packs of staves shipped to the West Indies from London, both for rum and sugar?

A. I have known some for sugar; but it has been found necessary to mix them with many new staves from North America. Our staves, like our cloths, wear out by use; many of them are broken in the voyage, and the rest are seldom fit for much.

Q. I mean new staves.

A. I never knew any sent, (supposing the words to have been new casks) but as packages for goods exported to the West Indies; this is sometimes done, and the casks so made as to be used afterwards for sugar and rum; but this is done merely to save particular packages for the goods; nor even in that case is it always thought an advantage.

Q. I mean staves sent on purpose.

A. I cannot answer that, but by saying, I never knew an instance of it. I know staves are brought from the West Indies to London, upon a prospect of advantage; but I never knew them sent from hence to the West Indies.

Q. How are the French islands supplied with lumber, bread, flour, &c?

A. I cannot give a precise answer to that question. I have said they receive great supplies from North America. I have mentioned before, that the French, Dutch, and Danes, in their sugar colonies, depend in a great measure on North America; but I do not know the particulars precisely.

Q. Whether he does not know, that the French carry on ten times the trade with North America that the English do?

A. I do not know the extent of the French trade ; I am not well enough acquainted with it, so as at this time to be able to state propositions. I have said, there is a certain degree of dependence of the French islands on North America.

Q. Whether, if the Americans were prevented from trading with the French islands, it would be advantageous to Great Britain ?

A. A speculative opinion is asked ; I speak only to facts. Withdrew.

J. Ellis, Esq.

John Ellis, Esq. called in.

Q. What is your situation ?

A. I am a planter of Jamaica, have resided in that island at different periods from 1754 to 1773.

Q. Inform the committee what you know of the present state of Jamaica in general, and of her dependence in particular on North America, in regard to the reciprocal exchange of commodities between them.

A. The island of Jamaica being of great extent, the several parts of which differ from each other, from a variety of circumstances attending their respective situations, it is impossible to give any one general answer, that is not liable to many exceptions. The island contains nearly four millions of acres, of which I compute 160,000 acres to be planted in sugar canes, and I suppose a little above double that quantity of land is kept as a necessary appendage to the sugar estates and employed in pasturage and grounds allotted to the negroes for provisions, and in furnishing timbers, fire-wood, lime &c. the whole of which makes 500,000 acres. In other settlements, such as piemento, cotton, coffee, ginger, and pepper land for breeding cattle, and in provision plantations in the neighbourhood of the towns, I reckon as much more. The remaining three million consists of a great wilderness, chiefly mountainous, in which it may be presumed there are many intermediate tracts capable of cultivation, but which from difficulty of access, and the little prospect of profit adequate to the stock requisite for their settlement, continue in the present state : for however rich any lands may be in themselves, yet if the circumstances attending their cultivation are such as to render it probable that the capital to be employed will not produce an adequate return, it cannot be supposed that any prudent person will adventure therein. In a large tract the soil is various, and adapted to the production of different commodities ; the climate and seasons all differ greatly. On the south side, at the extremities of the island

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island, the parishes of Westmoreland and St. Thomas are seasonable, or supplied with refreshing showers, and the manurable lands are chiefly employed in the growth of the cane. The intermediate parishes near the sea, being St. David, Port Royal, St. Andrew, St. Catherine, St. Dorothy Vere, and St. Elizabeth, are subject to dry weather, inasmuch that particular spots only are employed in the cultivation of sugar. The flat lands are chiefly appropriated to the purposes of raising cattle, and the mountainous lands, in the vicinity of Spanish town and Kingston, besides producing coffee, ginger, and a little pimento, afford a partial supply of provisions, such as plantains, roots and Indian corn. The inland parishes of the south side, St. John's, St. Thomas in the vale, and some part of Clarendon, being more seasonable, raise, I believe, in plentiful years, a sufficiency of the above provisions for their own support, and sometimes furnish relief to the neighbouring parishes. The several parishes on the north side, are fertile and in general seasonable; excepting on some parts of the sea coast, where I have known the drought so excessive, as it was particularly in the year 1770, and the calls of distress so loud, that neither the back lands nor the neighbouring parishes could afford sufficient relief, and had it not been for supplies from North America, many thousand negroes must have perished for want. On the whole, though the island of Jamaica has, in respect of internal supplies, greatly the advantage over Barbadoes and the other British sugar islands; yet from the circumstances of drought and gusts of wind which happen frequently, and are particularly destructive to the plantain trees which yield the chief support of the negroes, her dependence on North America in point of provisions, is very great, and cannot, I think, be lessened in any considerable degree, without diminishing the growth of the staple commodities of sugar and rum; for besides those articles which chiefly constitute or supply the place of bread, such as flour, rice, corn, and pease, she receives from America great quantities of salted fish; which with herrings from Europe, serve the negroes as meat. I confine myself in this state to matters of mere subsistence for our negroe slaves, without taking into the estimate the great quantities of pork and other salted provisions imported from America for the use of the white inhabitants. In regard to lumber, for that species which is called staves and heading, and of which we make the packages for our sugar and rum, the dependence which Jamaica has on North America may be judged of from this circumstance. The island at present yields about 80,000 hogsh-

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heads of sugar, and about 30,000 puncheons of rum for exportation. Now I am positive that not 3000 of the casks necessary to contain this great quantity of produce, are made from Jamaica wood; a few puncheons indeed are imported from England, and also some few Hambro' staves, the puncheons being packages of goods sent out; but all the rest we receive from the middle colonies of North America and from Georgia. With regard to the other species of lumber, such as scantling, boards, and shingles for houses, the different towns are chiefly built with these articles from North America; as are also the buildings of most of the settlements on the sea coast. The interior parts of the country, being in the neighbourhood of large woods, supply themselves from the growth of the country, or at least I think ought so to do.

To conclude, the supplies annually imported into Jamaica, chiefly from the associated provinces of North America, consisting of pitch, tar, turpentine, lamp oil, boards, joists, plank, hoghead and puncheon staves, shingles, &c. horses, and a great variety of provisions, such as flour, Indian corn, biscuit, beef, pork, salted fish of different kinds, and rice, amount by the most exact calculation I am able to make, to upwards of 150,000*l.* sterling, in payment of which the Americans receive sugar, rum, coffee, ginger, and other articles of Jamaica produce. The North Americans have of late years imported also considerable quantities of cash, which, with their cargoes, they lay out in the purchase of the above articles.

Q. In so vast a space as three millions of acres of unsettled land, do you not apprehend there are a great many tracts capable of cultivation, and of producing provisions, and many other articles of those supplies, which at present are furnished from North America?

A. Doubtless there are; but the planter must necessarily, and will irremediably suffer before those lands can be prepared for cultivation, and yield them a sufficient supply. He will even suffer by his dependence on the wisdom and interposition of parliament; not perceiving, till it is too late, the absolute necessity of converting his distant lands, if he has any, into provision settlements, before the calamities attending distress and want, will overtake him. I speak now in regard to provisions only; a failure in which may be attended with the most alarming consequences, from rebellions of the slaves. As to lumber, those plantations which are situated near considerable tracts of wood-land, may doubtless, at all times, obtain a partial supply, though very few species of wood are fit for the purposes

purposes of making staves for sugar casks ; as to casks for rum, the island affords no proper wood : but I know not how the other estates are to be furnished, except from America. And after all, supposing the island had resources within herself, and could, in time, actually supply both lumber and provision in sufficient quantity, it must be remembered that seven-eighths of the planters are already deeply in debt to Great Britain, and cannot support the expence of great land carriage, which must unavoidably attend the cutting their own wood, and bringing it to their estates ; neither can they obtain credit to make new settlements for the purposes of raising provisions. It follows, therefore, and the fact really is, however fortunate a few individuals may be in respect to the situation of their estates, that the planters in general cannot submit to the necessity of cutting their own lumber, and of raising greater quantities of provisions than the island at present affords, without neglecting, in a proportionate degree, the staple articles of sugar and rum ; and I need not point out to the committee, how greatly the trade, revenues and navigation of this country will suffer, by a diminution in the growth and manufacture of these commodities.

Q. What do you apprehend will be the consequence to Jamaica, in case the supply of provisions from North America is interrupted ?

A. I have partly answered that question before. Those plantations which have not good provision grounds for their negroes, will soon be in a starving condition ; and even those which have, must suffer greatly ; for the negroes are a very thoughtless improvident people : they do not look forward to provide against those evils which too frequently happen ; such as droughts which destroy their ground provisions, and gusts of wind which throw down their plantation trees. Those who are in want, will steal ; when they can no longer steal, and hunger presses, they will take by force. What further consequence may arise, I dread to think of.

Q. Are there not places, besides the middle colonies of North America, from whence may be drawn a supply of lumber ?

A. I apprehend not. Georgia, indeed, furnishes at present, in small quantities, scantling and boards for building, and some few staves. How far that province is capable of increasing the export of these articles, I cannot say ; but it must surely be many years before it equals that of all the confederated colonies together. As to Canada, and the two Floridas, the population at the extremities of the continent, is too feeble

feeble to promise any great supply from thence. The navigation from Canada is obstructed many months in the year by the ice; but however this may be, these countries do not afford any supply at present; and I believe it is contrary to the known principles of commerce, to expect that any country can yield an adequate supply to a great, an immediate, and unexpected demand.

Q. What do you compute the value of the property in that island?

A. Twenty-four millions sterling. I shall not take up the time of the committee, by a long tedious calculation. In every well appointed property the value of negroes constitute a third of the capital. By a well appointed property, I mean a property where the master is competent to the furnishing it with a sufficient stock of negroes and cattle, and every necessary appendage. In such properties, the value of negroes constitute a third of the capital: but the greater part of the properties in the island, from the inability of the planters, have not a due proportion of negroes, and in such the value of the negroes does not exceed one-fourth of the capital. I shall, however, make my calculation upon a supposition, that all the properties in the island are sufficiently stocked with negroes, and that the value of negroes therefore constitute one-third part of the general capital of the island. Now the number of negroes in the island of Jamaica exceed 200,000; however I shall estimate them only at 200,000, and I shall value them only at the same rate with the African cargoes; of them I have lately seen several sales, and they average for each negroe from 40*l.* to 45*l.* but I will put them only at 40*l.* and I shall rate the negroes of the island, who are seasoned to the country, are civilized, and have acquired arts, at the same value with the savages newly imported from Africa; 200,000 negroes, therefore, at the rate of 40*l.* each, amount to eight millions, and the negroes constituting one-third of the general capital, the whole capital of the island amounts to twenty-four millions.

Mr. Glover having finished with this evidence, some questions were asked by Mr. *Innes* relative to particular articles of provision, and in what quantities they were furnished to the negroes by their masters; in answer to which Mr. *Ellis* asserted, that the dependence of the island upon foreign provisions was so very great, that if the masters did not attend to, and supply the wants of their slaves, many thousands of them must perish.

Withdrew.

Mr. *Glover* summed up the evidence in the following speech: I begin with investigating the general system of [the British] empire, not only in description, but illustration by comparison.

Ancient nations were possessed of the widest dominion, not with commercial helps. To be brief, I shall confine the enquiry to one, to the Romans in their ages of purity. Cultivation of their soil, rude manufacture just adequate to their necessities, severity of manners, superiority in martial discipline, enthusiasm for the very name of Rome, and the *dulce & decorum pro patria mori* made them masters of the world. War was conducted with little expence, and the weightiest arms in the most skilful hands prevailed. Commerce flourished among others, whose affluence submitted to the steel of Rome.

What is the system now? All over Europe the same weapons, the same discipline, the same military arts are in practice; war is attended with a profusion of expence; and the deepest purse is the best assurance of success. Hence the encouragement of manufacture and trade is the pursuit of every nation in this quarter of the globe, except two; who derive the treasure, which Europe wants, from distant mines, with a facility, enervating their own industry, while the rest are exerting theirs, each for a share in that wealth, which the other two introduce, and can only be obtained through the commercial channel. By this Holland, with a territory insufficient to nourish her inhabitants, hath in her day stood forth a bulwark against tyranny and superstition. An artificial strength, created by commerce, enabled her to make head, with numerous fleets and armies, against powers immensely her superiors in natural force. Above all in commercial arts and advantage is Great-Britain. Her purse, kept full by her credit, the resource of a trading nation, an annual expenditure at length of sixteen to eighteen millions recently supported so long, so extensive, and so vigorous a war. Had her purse been scanty, she never would have seen a navy, which bore little short of ninety thousand men, could never have engaged a potent ally, nor furnished such troops, as acted so efficiently, and at the same time in such different parts of the globe. Hence it is evident, her system is commercial; her strength and resources are wholly derived from trade. I allow, the first interest in rank among us is the landed, but interwoven altogether with trade. Pay no regard to a doctrine from me, but pay all to the supreme authority of the clearest luminary this country ever produced, the great Mr. Locke. His words are these, "The decays, that come upon, and bring to ruin any country, do constantly first fall upon the land; and though the country gentleman is not very forward to think so, yet this nevertheless is an undoubted truth; that he is more concerned in trade, and ought to take a greater care that it be well managed and preserved, than even the merchant himself."

On the firm ground of such authority let enquiry be made, whether we should not remain content with the lot assigned us, which hath raised us so high among the modern nations, where all are in rivalry for manufacture and trade; whether we should degrade our refinements by a parallel with an unpolished and rugged race of old, and contaminate the delicacy of modern sensations with those primitive and stern principles, which imposed such a yoke on mankind as the *majestas populi Romani*: or whether, confining our speculations to the placid sphere of enjoyments with more quiet, and less hazard, than the restless pursuits of their ambition, we should not have in contemplation upon all extraordinary convulsions, how far the means of those enjoyments may be affected, that influx of wealth, the creature of commerce, which solely constitutes our envied power and rank in the present world.

To elucidate by facts a system so essential to our being, your petitioners have appeared at this tremendous crisis; when Great-Britain and America, the parent and the child, with equal irritation are menacing at least, what barely in words, what barely in thought, is horror—to unsheathe the sword of parricide, and sever the dearest ties of consanguinity, of mutual aids, and general prosperity.

Your petitioners preferred but one supplication to the All-merciful Being; their own reason suggested no other, than to be heard by you. He hath inclined you to hear, truth enables us to speak. Truth in its nature is healing, and productive of reflection: reflection leads to composure of mind, and strengthens in our breasts a hope, that an hour may come, when this humble application may not be found altogether ineffectual: if too, for that auspicious purpose, it may prove my good fortune so to collect and combine the various evidence from your bar, and from the copied records of office upon your table, as to establish a system of the whole, and found that whole upon truth; whose efficacy upon the mind I have described before, and with some fervour of hope anticipate now.

Here, Sir, I entreat your acceptance of a clew through the seeming labyrinth of accounts. The ways indeed are all unadorned, but the least perplexed of any to a little attention; and to make them short shall be mine.

You have before you official accounts of the exports from England to the West-Indies, from Christmas 1739, to Christmas 1773. Of these thirty-four years the first seventeen, ending at Christmas, 1756, form a period, which closes in the first year of the last war; the whole value exceeds twelve millions, and gives an annual medium of more than 700,000*l*. The last period of seventeen years ends at Christmas, 1773, and renders a total of more than nineteen millions, and more than 1,100,000*l*. at the annual medium. I only observe in this place, that the increase of the latter upon the former

is in the proportion of eleven to seven; and of the value in both two thirds are British goods, and one third only foreign.

A second set of accounts contain the exports to North-America. The first seventeen years yield more than seventeen millions in the whole, and than one million at the annual medium. The last period renders more than forty millions in the whole, and largely more than 2,300,000*l.* at the annual medium; an increase upon the former in a proportion of twenty-three to ten, with a value in both of three fourths British goods to one fourth foreign.

The third account relates to Africa, whose commerce with England owes its existence to her colonies. The first seventeen years reach nearly to three millions, and to an annual medium something short of 180,000*l.* the last seventeen years nearly to eight millions, and an annual medium of 470,000*l.* an increase upon the first in a proportion of forty-seven to eighteen, with a value in each of two thirds British goods to one third foreign.

On this augmentation of exports to your colonies, irrefragable proof is founded, that through whatever channels riches have flowed among them, that influx hath made a passage from them to the Mother Country, and in the most wholesome mode; not like the dash of an oriental torrent, but in salubrious, various, placid and copious streams, refreshing and augmenting sober industry by additional employment to thousands and ten thousands of families, and lightening the burden upon rents, by reducing the contribution of parishes to poverty unemployed.

But this requires a further explanation. The date of the last period is the commencement of the last war. The expenditure of public money was one source of wealth to the West-Indies. That temporary acquisition being soon exhausted, by its return to England, sufficient sums were procured upon credit after the peace, to cultivate new land and improve the old, still further enlarging the consumption of our commodities there and in Africa, that from the year of the peace to Christmas, 1773, the import of sugar only to England, who without her West-Indies must purchase that immense article from foreigners, hath risen from 130,000 to 170,000 hogheads, an augmentation in value of 800,000*l.*

The public expenditure, being much larger in North America, produced a proportionate effect on the consumption of our manufactures through that continent. This money returned from its peregrination to the Mother Country by 1764, or 1765 at the furthest. But, as the West-Indies had a succedaneum, so had North-America through a new opening of trade, which converted the misfortune of England into a blessing. Though I am convinced, that the same number of hands at least is devoted to agriculture here, and that the earth at a medium of years hath yielded the same increase; as we

have been disposed to consume it all among ourselves, or as our presumption may impute the scarcity to Providence, restraining the fertility of our soil for ten years past, in either case we could not spare, as heretofore, our grain to the foreigner; a reduction in our exports one year with another of more than 600,000 l. The American subject took place of the British in markets we could no longer supply, extended their vent from season to season, and from port to port, and by a circuit of fresh money, thus acquired by themselves, added fresh numbers to your manufactures, the rents of land increasing at the same time, till the amount of exports to North-America for the last three years, ending at Christmas 1773, stand upon your papers at ten millions and a half, or three millions and a half at the annual medium; add 1,300,000 l. the medium of the same three years for the West-Indies, and 700,000 l. for Africa, and the total value of exports to the colonies, nearly in a proportion of three fourths British to one fourth foreign goods, is five millions and a half at the medium of these three years, ending at Christmas, 1773. A slight matter this to the great question before you, says the general voice without doors, and readily admitted without the ceremony of proof. This I mention by way of preparation to introduce the most material account of all; which will demonstrate, that the magnitude of five millions and a half, exported in the colony branches, the West-Indian, North-American and African, is not to be considered as an object so striking in itself, as in comparison with the whole export of England to all countries whatsoever. The annual medium for twelve years back stands on these papers at less than fifteen millions; but as I have limited the colony branch to 1771, 2 and 3, I shall take the general exports during that period, which renders a medium of sixteen millions. What part is the Colony branch? Five and a half is rather more, than a third. Does the magnitude appear in a stronger light by the comparison? Or hath it been admitted in this view, before it was stated? Be it so. I have something behind, perhaps enough for the keenest appetite of admission to digest.

Sir, one part of our exports to foreigners is supplied by colony produce, tobacco, rice, sugar, &c. through Great Britain, for a million sterling at a low estimation. Add two millions more, exported of all kinds from England to her principal colony, Ireland, and both to the former five millions and a half; your whole colony branch will then exceed the half of your whole export in the proportion of eight and a half to sixteen.

Thanks to the care and forecast of our forefathers one hundred and twenty years since. In the circle of ancient trade, narrow in comparison with the modern, the great trading states, Carthage pre-eminent to all, suffered but little from rivalry. All in Europe are our rivals, all devoted to manufacture and traffic, as capital pur-

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suits of policy: while we, struggling with such competition, have in some instances already experienced its hurtful effects, and must prepare for more; we had always one consolation left, that our colony-trade, kept to ourselves by old and salutary regulations, hath been augmenting from period to period, till at present it constitutes more than half of the whole, with a prospect of further growth, rather than diminution, unless we create our own rivals.

One more observation remains, of all the most important, so far as safety to a state is a consideration above all others. Of this trade the part, which depends on the associated provinces, contributes in naval stores, in other low priced and bulky commodities more to the British marine, than triple the present exports in commodities of such higher value, and if shipped so largely in foreign bottoms to the foreign market. Such was your situation.

Upon the present question I will not take that larger half before-mentioned for my ground. I will deduct the two millions to Ireland, and the odd 500,000*l.* furnished to provinces not of the combination, though they did not receive more than 400,000*l.* in value, at the medium of these three last years; when there will remain six millions out of the eight and a half: Nay, I will further reduce the six by nearly 700,000*l.* to remove all suspicion of exaggeration, and to make an exact third of the sixteen; and which is the part immediately affected by the association in North America.

From this ground see what is put in hazard; not merely a monied profit, but our bulwark of defence, our power in offence, the arts and industry of our nation. Instead of thousands and ten thousands of families in comfort, a navigation extensive and enlarging, the value and rents of land yearly rising, wealth abounding, and at hand for further improvements, see, or foresee, that this third of our whole commerce, that sole basis of our empire, and this third in itself the best, once lost, carries with it a proportion of our national faculties, our treasure, our public revenue, and the value of land, succeeded in its fall by a multiplication of taxes to reinstate that revenue, an encreasing burden on every decreasing estate, decreasing by the reduced demand of its produce for the support of manufacture and manufacturers, and menaced with a heavier calamity still, the diminution of our marine, of our seamen, of our general population, by the emigrations of useful subjects, strengthening that very country you wish to humble, and weakening this in the sight of rival powers, who wish to humble us.

Having been hitherto merely general, I must now descend to a detail, but of parts so large, that each is separately big with sufficient evils to draw the utmost stretch of your attention. I begin with those which threaten the West-Indies.

To

To recapitulate the heads of that material evidence; delivered by Mr. Walker and Mr. Ellis, would be tedious in me, unnecessary in itself. Leaving it therefore to its own powerful impression, I here add only, in a general mode of my own, that of the inhabitants of those islands above four hundred thousand are blacks; from whose labours the immense riches there, so distinctly proved at your bar, are derived, with such immense advantage to these kingdoms. How far these multitudes, if their intercourse with North America is stopped, may be exposed to famine, you have heard. One half in Barbadoes and the Leeward Islands, say one hundred thousand negroes, in value at least four millions sterling, possibly, it grieves me to say probably, may perish. The remainder must divert to provisions the culture of the produce so valuable to Great Britain. The same must be the practice in great part throughout Jamaica, and the new settled acquisitions. They may feel a distress just short of destruction, but must divert for subsistence so much labour as, in proportion, will shorten their rich product. In fact, why should they raise the latter, if lumber should be wanting for its package to Great Britain? How vague, how uncertain, how nearly impracticable would be a supply of these necessities through any new channel, I need not repeat; but shall close this head with another short general state, in confirmation of Mr. Walker's most accurate detail. The gross amount of imports, at an annual medium, from these now unfortunate islands, exceeds four millions, 190,000 casks of sugar and rum, besides many other articles, the bulky loading for such a multitude of vessels, more than authorise my assertion. Of these annual four millions, the exchequer receives its proportion, the navigator and merchant theirs; the rest centers with the planter: and how distributed by him? In the purchase of 1,300,000*l.* in our exports direct, and the largest part of 700,000*l.* more in circuitation through Africa for a constant supply of negroes. What is left, considerable as it may be, among residents here, is applied to home consumption; not with a sparing hand, and to investments, upholding the price of land, and the credit of public funds. At the same time they are furnishing commodities to us of such necessary use, which else must be paid for to foreigners, and with a superfluity for foreign consumption likewise; I avoid comparison, but judge from this state, how valuable a subject is the planter. All these benefits, the healthy progeny of active trade, all, or part, must sleep as in a grave, during a total or partial stagnation.

Upon the North American imports I shall only remark, that the most considerable part of their bulky productions is bought by the foreigner, and of the amount consumed in Great Britain, the exchequer hath a capital share. Nor will I take North America for a companion in my present melancholy walk, because she may prove the only gainer, and as the community become more sound and healthy, while every

every other member of the empire lies bleeding. But my heart bleeds when, renewing my gloomy progress, I turn a view towards one kingdom, a great member, which may unhappily be distinguished above all sufferers in the present conjuncture; I mean the kingdom of Scotland: and among my honourable hearers, they whose particular attention I may now engage, have no cause to doubt the sincerity of my feelings. I have taken equal pains with the accounts of exports from that kingdom, as from this. The papers I could collect began at Christmas 1748, and end at Christmas 1772, with two years wanting; a circumstance, however, which will not in the least impede me in illustrating the progress and improvement of the North British trade. A first period shews an annual medium of about 500,000*l*. In a second it rises to 860,000*l*. In a third to 1,150,000*l*. And in the last for 1770, 1771, and 1772, to 1,700,000*l*. of which about 400,000*l*. is colony export, exclusive of Ireland, and the far greater part to the tobacco provinces, where many of my most worthy friends have a property lying much larger than I chuse to conjecture. To this I add a known export of linen exceeding 200,000*l*. supplied to England for American use. The whole may be little short of 700,000*l*. but calling it six, I ask, if Scotland can well endure a stagnation of such a value for twelve months to come? Whether their export to Ireland of 3 to 400,000*l*. will be affected; and how far emigration, of late so prevalent, may be extended by the pressure of a new calamity, I will not forbode. Sir, I feel—Sir, those feelings forbid me to expatiate further—I chuse to drop the subject—observing only, that the colony export from Scotland is to their whole much in the same proportion with ours, I will now pass over to Ireland.

That kingdom takes from England and Scotland little short of 2,400,000*l*. annually in goods. How doth she pay for them? A large part in linen and yarn, the remainder in cash, acquired by her foreign traffic. In the printed report to this House, from their linen committee, it appears, that in 1771 the linen made and brought to market for sale in that kingdom, for its own use and ours, amounted to 2,150,000*l*. and the yarn exported to about 200,000*l*. This immense value, the employment of such numbers, hath its source in North America. The flax-seed from thence, not worth 40,000*l*. a trifle to that continent, forms the basis of Ireland, and reverts largely in manufacture from her to the original seat of growth. In reply, what is the cry of my magnanimous countrymen without doors? Dignity! Supremacy! The evil hour is advancing, not yet come; no sooner come, than felt: it may produce a discovery too late, that high-sounding words imply no food to the hungry, no raiment to the naked; and these throughout our empire may amount to millions in number.—But new channels of supply shall be found; our potency can surmount all difficulties. It is full time to begin the essay in Ireland,

land, left, during the experiment, emigration so constant there, should change to depopulation in the Protestant quarters.

I now return to England, not a member, but the head. Her sorrows I will leave to the contemplation of that superior class, which must be the ultimate and permanent sufferer. The sage Mr. Locke would tell the country gentleman, that his visible property must replace the loss of public revenue; that he must provide for a nation of hungry and naked, or sink into utter debility and despondency; when the sun rises no more on this once flourishing island, but to see the desertion of inhabitants, and a wretched remnant, wandering unclad and unfed in lamentation over a wilderness.

I have mentioned the revenue, and shall now be very concise upon that head: deducting bounties and drawbacks, the neat receipt at the exchequer from duties and excise on West India productions I venture to set at more than 700,000*l.* and another receipt in the North American branch, at just so much as with the former, may render a total of one million. To that amount the public revenue is immediately concerned. Consequential loss, for instance, in the great article of tea, for want of the usual supply of sugar, or in any other articles, I do not dwell upon here, but leave to reflection.

Thus far, Sir, I hope, that I have proved what was your situation, happy in receiving from your colonies all the possible advantage attainable in the nature of things. Could our forefathers, the authors of such a system, which, exclusive of foreign profit, could bring the numerous subjects of the same state in such dispersed habitations over the earth, thousands and thousands of miles asunder, to a concurrence in the extirpation of idleness, in promoting the comfort, and calling forth the faculties of each other. Could those venerable founders of a structure so stupendously great, arise, and seeing it brought to such perfection by time and experience, yet find it within the last ten years so roughly handled in a conflict with finance, what looks would they cast on their blinded posterity, almost the whole British people who, on every start of pecuniary contribution from America, have, under three administrations, been open mouth'd, and are still for American taxation? Let the three administrations have all the justification of *defendit numerus, junctæque umbone phalagens*. But I, an unconnected man, firmly pronounce, that the consenting voice of all mankind cannot make two and two, more or less than four; that the *Vox Populi* is not always the *Vox Dei*, and among us, upon the present subject, resembles the popular cry in old Jerusalem of, Crucify! Crucify!

Yet, Sir, I likewise sincerely wish, that the gloomy aspect I have given to our future situation, may be all nugatory, all misrepresentation, unintended, but not therefore less the result of error and blindness. Hitherto I have looked on one side of the question only; permit me now to contemplate the other.

It is the general acceptation, that the associated provinces submit, in consequence of the measures taken. The measures I allude to, are public facts; and, with some relief to my own dejection, I apply them to introduce another fact incontestable and brilliant; whereon I gladly dwell for a while: it is a subject of praise, requiring but few words, because it is true. I have named the Romans; we have among us a select body, whom I compare with them, as their equals at any the most distinguished epoch of their martial science and prowess. I will not hazard a panegyric. The grateful sensations of all our memories retain the illustrious and recent achievements of the British military by land and sea, with a warmth which would render the most elaborate encomium spiritless and cold. But themselves, lettered gentlemen of England, and versed in history, will allow, that the peculiar superiority derived from discipline, possessed by them in its highest excellence, is but the effect of human art; that there are left at large, in human nature, certain sparks, whose occasional concurrence produces operations not to be circumscribed or controuled by art or power, and hath caused such wonderful vicissitudes, recorded in times past, but, I hope, will make no part of our future annals: I allude to that violent agitation of the soul, enthusiasm. Such vicissitudes, not to be shunned by art or power, merit the most attention, when most is set upon a cast.

Many without doors have treated the existence of this uncontrollable spirit as imaginary. I did not reason with those who either feel no enthusiasm for any thing serious, or retain just so much as may be requisite in the eager pursuit of diversions, pleasures or profit. I would have accompanied others more speculative through their several gradations of hope, still disappointed, and still reviving, but for one observation, which I have generally kept concealed, but will soon reveal to you. But for this observation I might have concurred with the public belief, that the capital of a province, now declared in rebellion, would have submitted on the landing of a few regiments; this failing, that other provinces, from ancient jealousy and disgust, would not have interfered, rather sought their own advantage out of that town's distress; this failing, that they never would have proceeded to the length of constituting a certain inauspicious assembly among themselves; this failing, that the members of such assembly would have disagreed, and not framed a single resolution. This last hope having proved abortive, a new one is popularly adopted, that the first intelligence of enforcing measures, at least the bare commencement of their execution, will tame the most refractory spirits. I will here state the grounds of this, and all the preceding hopes; afterwards, with your indulgence, the ground of my original and continued doubts.

Our trading nation naturally assumed, that the present contention would be with traders in America. The stock of a trader, whether his

own, or in part, and often the greatest part a property of others, considering in him, is personal, lodged in a magazine, and exposed in seasons of commotion to instantaneous devastation. The circumstance of such property, the considerations suggested by common prudence, by the sense of common justice to those who have given a generous credit, rarely make room for that intrepidity which meets force with force. Hence I admit, that the mere traffickers would have submitted at first, and will now, whenever they dare. The reason why they have not dared, is the foundation of my doubts.

I am speaking to an enlightened assembly, and conversant with their own annals. In those ages, the reverse of commercial, when your ancestors filled the ranks of men at arms, and composed the cavalry of England, of whom did the infantry consist? A race unknown to other kingdoms, and in the present opulence of traffic almost extinct in this, the yeomanry of England; an order of men, possessing paternal inheritance, cultivated under their own care, enough to preserve independence, and cherish the generous sentiments attendant on that condition, without superfluity for idleness, or effeminate indulgence. Of such doth North America consist. The race is revived there in greater numbers, and in a greater proportion to the rest of the inhabitants; and in such the power of that continent resides. These keep the traffickers in awe. These, many hundred thousands in multitude, with enthusiasm in their hearts, with the petition, the bill of rights, and the acts of settlement, silent and obsolete in some places, but vociferous and fresh, as newly born, among them; these, hot with the blood of their progenitors, the enthusiastic scourges at one period, and the revolutionary expellers of tyranny at another; these, unpractised in *frivolous dissipation and ruinous profusion*, standing armed on the spot, delivered down from their fathers, a property not moveable, nor exposed to total destruction, therefore maintainable, and exciting all the spirit and vigour of defence: these, under such circumstances of number, animation and manners, their lawyers and clergy blowing the trumpet, are we to encounter with a handful of men, sent three thousand miles over the ocean to seek such adversaries on their own paternal ground.* —But these will not fight, says the general voice of Great Britain. Agreed. I desire to meet my antagonists in argument upon no better ground.

That

* The following remark might have been trite to the honourable hearer, but may not occur to every common reader, That if there are any seeds of talents and genius in a country, they are drawn into action and vigour by public ferment and troubles; but might have remained in times of tranquility for ever useless and unknown, perhaps at the plough, under a shed, or among the lowest class of mechanics.

That exports to the associated provinces have ceased for months, is a fact. May not their non-importation agreement singly, be a weapon sufficiently effectual in their hands, without striking a blow? Why strike without occasion?

To upset this suggestion, an assertion is brought, that necessity will break the combination. I take this fresh ground to shew, that necessity, in conjunction with enthusiasm, may produce a directly opposite effect. I throw but a transient glance on the extraordinary stock of goods laid in by the colonists last year, though said to be sufficient for the consumption of two. The arguments I shall use, carry their own evidence with them. Let the population in the associated provinces be three millions, as delivered into the congress, or be reduced to two and a half, white and black. At a moderate computation per head, the quantity of goods, including all uses besides apparel, is not adequate to half their consumption, which I stated before to the amount of three millions sterling, without separating some considerable articles for the month. This annual supply they never did annually pay for, but always remained under a heavy debt to the mother country; a capital advantage to her, as shall be explained in its place. How is the other half of their consumption, unsupplied from hence, provided with the several articles for cloathing and other necessaries? What is introduced through illicit trade with the foreigner, must be paid for in ready money, and is chiefly for the rich and the few. How is the multitude supplied, dispersed over that vast continent, and at considerable distances from the sea? Sir, by the same means, and necessarily so, as are practised in most counties of these kingdoms. There are two kinds of manufacture; one active and systematic, collected under a superintendence, and brought to the markets of sale. The other is sedentary and domestic, obscure, but large; could the small and scattered parcels be gathered up for computation, as may be made of the former, from the records of public marts. The latter lies among the wives and children of rural, of rustic families; is applied to domestic use, and rarely sees a market for sale. In the same mode the American yeomanry are furnished among themselves. The domestic manufacture must, in course, be large for the use of such numbers; the active for sale is far from maturity among them: but necessity, urged against them, may extend the arts and materials, already indubitably possessed; and enthusiasm may stamp on their home-spun all the value, all the pride of ornament.

Sir, I foresee these differences with America will be composed, and how—There silence becomes me best—It will be so late, that Great Britain must receive a wound, which no time can heal—A philosophical sense of dignity must step in under the shape of consolation.

This reflection I wish to obviate, and will state a strong question from the other side. Admitting, if I please, the practicability of the

colonist supplying his wants with his own homely manufacture, improveable too by time and experience; yet will not an interruption to the vent of his own produce, and to the profits of his trade, be a loss of such magnitude, as may quickly, and with an intermediate stagnation, too short for us sensibly to feel, reduce his mind to a state of humiliation? The interruption, I allow, will be a loss to individuals, large to some, small to many, and operate in degrees proportionate to situations and tempers. The trading class foresee it already, and are humbled enough to submit, if they could. Those who keep them in awe, the multitude of small, but independent, proprietors of land, may feel their part of the loss so light, as not to relax the restif spirit which they have manifested down to this day; and may be strengthened by a truth too obvious, that America, as a public, must be a gainer by such interruption.

She always hath been, and is now, largely indebted to the British merchants; a proof, that the neat value of her annual produce and remittances, through the circuitions of her trade, hath ever been short of her purchases here. So far as this difference reaches, whether small or large; so far, as she substitutes more of her own labour in the stead of ours, for her own wants; just so much will be, on a general balance, a clear profit to her community, while the intercourse with ours is stopped, and a loss to Great Britain irrecoverable, so far as, during the melancholy interval, the arts of manufacture may be better established, and more extended in that continent; but if extended beyond frugal uses, the yeomanry there will sink into futile and enervating enjoyments, the source of venality and discord; and, in their turn, verify a celebrated axiom in politics, that discontents, murmurs, profusion, and outward shew, are the sure signs of a state in decay.

Sir, you have repeatedly heard before this day of the large debt from the colonists to our merchants; an uncontrovertible truth, to the permanent amount of millions. Grieved as humanity must be at any occurrence which puts such a property, and so many meritorious subjects in peril, or even under a temporary anxiety, yet such being the course of that trade, the effect of a voluntary conduct, public policy hath cause to rejoice, at the same time to acknowledge a high, though unsought obligation to the merchant, who, by this practice, holds in his hand the principal bond of colony dependence, enforces the act of navigation, and becomes in the public behalf the true guardian of that half divine law, the work of penetration and wisdom, equal to the great man who framed it. Illicit traffic is common to all regions and governments; nor to be avoided in any, but by a strict care not to lead into temptation. Upon the whole, no commercial regulation hath been more accurately observed than the act of navigation, to which the American congress most intelligibly submits, and which, in their deprivation of capital privileges and liberties, enjoyed by their fellow

fellow subjects here, comprehends their contribution for protection ; an act, which hath generally been well obeyed by them, and the merchants at home hath made it their interest. A foreign correspondent might account most justly for the neat proceeds of tobacco, rice, sugar, &c. but will not give credit for a stiver more ; and for that reason doth not receive such consignments even from the less scrupulous observers of the law. The British merchant on a hundred pound, neat-ed from a consignment, readily supplies the American's wants for a hundred and twenty, thirty, how far is immaterial. This accommodation he hath not, and through long habit doth not try to have from any quarter out of Great Britain, and therefore chuses to send his produce through her channel ; nor will a few exceptions invalidate the argument : and till the awful volume of earthly vicissitudes shall disclose the fatal page, where that Omnipotent Hand, which hath lifted up and cast down the proudest dominion of old, may have written the designation of empire to the child ; till then, the merchant of Great Britain will keep the child in all possible dependence on the parent.

Sir, after all, though my fellow subjects rise more and more in the flattering confidence, that the colonies will not adhere to their agreements, I do not commit myself in asserting the contrary ; I do not pronounce, that they will ; I only suggest, that they may ; and on that supposition have attempted to shew, what England, Scotland and Ireland stake on the contest ; nothing less than a long-approved and successful system, embracing every circumstance of national stability, prosperity and lustre. For what this is put in hazard, I humbly hope, is a question too serious for casuistry ; and, I humbly believe, solely to be measured by expediency and practicability, under the direction of that great council, which holds the guardianship of three kingdoms, and their boundless dependencies.

Right, authority, sovereignty, dignity, supremacy are admitted to the utmost extent of their ground. Is there not another ground antecedent and original, that from the nature of mankind, there never was, nor is, and never will be a community, who after the possession of benefits, delivered down from father to son for more than a century, will be persuaded to relinquish such possession by any plea of law and right, urged with all the eloquence of advocates ? A force superior to argument is requisite, which brings the question back to expediency and practicability.

Conceive not, Sir, that our very thoughts have presumed to interfere with the counsels or determinations of the state ; but as the present subject of deliberation and measures is too pregnant with events not to run far into the future, we submissively hope, that the facts, we have produced, and the deductions from them, if not in the present hour, may prove of some utility hereafter.

You

You in your future deliberations will separate the frivolous from the important, the specious and the plausible from the sound and the true. You, searching the depths of human nature, will not be misled by trite and popular opinion; and, when the force of self-interest is alledged at this momentous crisis, you will discover, that interest is not the predominant ruler of mankind—I repeat, that interest is not the predominant ruler of mankind. The few indeed are under that frigid influence; but the many are governed by passion, whose train I need not arrange. Perseverance in acts of violence from one quarter, and perseverance in another to suffer, may be in both the result of passion. Passion can misinterpret words, give solidity to empty sounds, and convert shadow to substance. Passion could give weight to the cry of the church, when Sacheverel infatuated a nation, renowned above all others for solid sense, and depth of thought.

To conclude: if, Sir, in any future operation, this honourable House may condescend to a moment's remembrance of us, our appearance may prove not altogether in vain. Although there is still much remaining to offer, permit us now to withdraw, unreprieved, we hope, by you; but surely so by our own conscientious feelings in thus attempting our discharge of a duty to the public—Over the acts already passed and passing I do not breath out a word—only a parting sigh.

March 17.

The second restraining bill read a second time, and committed.

*Mr. Saw-
bridge.*

Mr. *Sawbridge* said, the minister was consistent: no charge could be brought against him for partiality, since he was now laying an equal measure of punishment on the whole continental empire. These restraining bills tied the bands of union and good fellowship between all the provinces and united them in a common cause.

*Mr. Temple
Luttrell.*

Mr. *Temple Luttrell* condemned, in strong terms, the principle of the bill; said, that this and the other restraining bill, ought to be burnt by the common hangman; he treated the present bill as treasonable against the community, and said, it must eventually be the cause of a civil war.

Adjourned to march 20.

March 20.

The House resolved itself into a committee on the petitions from the merchants, &c. trading to North America, General Howe in the chair; when some persons were examined in proof of the allegations contained in the petitions, presented from the stocking manufacturers, and other inhabitants of the town of Nottingham, (*See the petitions page 171, & 324*)

Mr.

Mr. Nead was called in to prove the allegations contained in the counter-petition, (*See this petition page 323*), two of his partners having signed the former petition. Mr. Burke questioned him as to the character of those petitioners. This was objected to by Mr. Van, and a debate ensued.

Mr. Van said, it was a rule in judicial proceedings, and Mr. Van. adopted very properly by that House, never to put any question to a man, the giving a true answer to which, might tend to injure him, or affect his interest; it was plain, he said, that the question asked was in effect the same as if put to the persons alluded to, their credit and reputations as partners being the same.

Mr. Burke replied that the reasoning was very just if it Mr. Burke. applied; but insisted, that the question proposed by him involved no such consequence, it being only to their moral character, their reputation as men of veracity, not to their responsibility to pay their debts, or their situation as traders.

Mr. Solicitor General directed his arguments to shew the Solicitor General. consequences that may happen, and in some instances which have happened, from leading persons at the bar to disclose the nature of their trade, and the state of their affairs.

Mr. Burke reminded the gentlemen of the Treasury bench Mr. Burke. of their conduct on the 16th, when questions of a much more delicate nature and direct tendency to create the inconvenience and evils now dreaded, were put, and insisted on, though strongly objected to.

Mr. Fox and two or three others spoke, but the point was carried against answering the question, and the witness was called in, and desired to proceed.

He was cross examined by Mr. Burke; when it appeared that he was not concerned in the American trade; and that he knew little of it.

In the course of the examination Lord North having asked several questions in order to establish proof that there was no foundation for the complaints in the other petitions, Mr. Bailey got up and told General Howe, that as he Mr. Bayly. was going to America where he would find many rational and sensible men who would be asking him questions, concerning the business the committee were then sitting upon, he therefore begged, the general would not forget to render all due justice to the noble lord on the Treasury Bench, [Lord North] who was now uncommonly active in the examination of this evidence, and in forming questions to draw

draw such sort of answers as might gain, if possible, from the person at the bar something like a proof, that these counter petitions came unsolicited by government (though all the world knew well enough to the contrary) and that the grievances and loss of trade complained of in the other petitions were merely fictitious: all which Mr. Bayley said, might appear very natural to the noble lord, for that he had observed, and the whole House had remarked it, that whenever the noble lord attended the examination of the evidences who came to prove any of the injuries that this country would suffer by the loss of her American commerce, he was either fast asleep and did not hear it, or if awake, he was talking so loud as even to prevent others from hearing it; that this was so shamefully the case the other day, when that great man Mr. Glover was summoning up an evidence to the committee, that would have awakened any other minister in the world to a sense of his duty, yet to the inexpressible astonishment of every one, the present minister shewed a determined resolution not to listen to any thing that might tend in the least to convince him of the ruin he was drawing down upon this country and America.

Another witness was examined in support of the allegations in the counter petition. He had formerly been concerned in the American trade, but was not at present. He was asked by Mr. Burke, how he could know, being now unconnected with that business, that the non-importation agreement would not affect the trade? He replied, because he had been in several warehouses, where he saw great quantities of goods made up to be sent to Holland. Being asked if that was usual? he replied, he never remembered it before; and that he supposed they were intended for the American market, to be smuggled by the way of Holland.

It was a continual scene of altercation from nine o'clock till one in the morning, when the committee rose.

Lord North. Lord North observed at the conclusion, that he was glad to find the manufacturers of Nottingham were not likely to be starved for want of employment, as they had happily got one of the best marts in Europe for their goods.

Mr. Burke. Mr. Burke replied, that if his lordship reflected properly, he did not think he had any great reason to exult in measures which threw the business formerly transacted by our own merchants, into the hands of the Dutch, and at the same time enriched his professed foes, the smugglers, on the other side of the Atlantic, at the expence and ruin of his seem-

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ingly professed friends, the fair traders, and to the total ruin besides of the revenue.

March 21.

Private business.

March 22.

This day came on Mr. *Burke's* propositions. His opening *Mr. Burke's* was apologetic. He began by shewing, that he had set out in perfect agreement of sentiments, regarding American affairs, with a great majority in the House. The House had indeed changed; but the effects of that change were such, as not to induce him to alter his first opinion. They were such, as made it necessary for every man to propose whatever he thought had the slightest chance for restoring the former tranquility and concord of the British empire.

He next observed, that the House had declared conciliatory propositions *admissible*; for notwithstanding the high tone of the address, and the severity of the bills then depending, Lord North had proposed something, which *he* stated as conciliatory, previous to the submission of the colonies. This, though he did not think it likely to answer its purpose, shewed however, that something in the spirit of conciliation, *previous* to any step on the part of America was not held by the House as adverse to its dignity.

Having laid this ground—he shewed the absolute necessity, before things proceeded to further extremities, of adapting our mode of government to the feelings of the people in America; and of giving them some public parliamentary security for our adherence to that mode, when adopted. He urged this, by displaying the interior and exterior of the colonies, their extent, numbers, growing population, commerce, temper and character, and from all these circumstances deduced the rule of policy to be observed concerning them. He strongly argued, that no plan, however specious it might seem to theory, could be serviceable, which was not conformed to these circumstances. On this part he dwelt a long time, and opened a vast variety of curious facts and striking observations.

Having shewn, with the utmost clearness and conviction, that the only method of securing the obedience of the people in the colonies, was by *giving them an interest in our free constitution*; he proceeded to the mode of doing it; and here he disclaimed, first, all sorts of discussions of right; the question being, as he put it, solely on policy. Secondly, He disclaimed all sorts of *new projects* whatsoever, professing,

to derive the theoretic part of his propositions from the language of acts of parliament ; and the practical, from plain matters of fact, acknowledged as such in the journals of the House ; that other methods might be more ingenious ; but in constitutional discussions, it was much more safe to attend to experience, and the practice of our ancestors, than to any speculations.

He then resorted to that practice ; and shewed, by the examples of Ireland, Wales, and the counties palatine, that whenever any part, under the British dominions, was not admitted to the essential privilege of granting their own money, they were unquiet, dangerous, and useless ; but that as soon as they were given an *interest in the constitution*, they became at once orderly, serviceable, and a substantial part of the strength of this country.

That this *communication of an interest in the constitution* was the great ruling principle of British policy ; the mode of applying it, varied according to circumstances. Where the districts could be taken into the constitution, they were *united*, as in the case of Wales. Where that was not the case, the constitution was sent to them, as in Ireland.

Similar constitutions, agreeably to their circumstances were given to the colonies ; and as long as the spirit of these constitutions was preserved we were all happy. When it was violated, every thing fell into confusion.

His whole plan therefore was to go back to our old policy and to record it upon the journals, as a settled ground of future parliamentary proceedings, in order to guard against the mischiefs of our late inconstancy. He therefore would begin by a solemn publick recognition of the propriety of a colony representation in the grant of their supplies and to prevent all possibility of exception, he would lay down these maxims in no other words than those which had been used in acts of parliament.

His first and second resolution would be to acknowledge that the colonies were not represented in Parliament, and the mischiefs that arose from that want of representation whenever Parliament attempted to tax them. The third was to state the unlikelihood of any mode of obtaining that representation.

The rest were to shew, the mode of supplying the ends and offices of government and particularly of supply, agreeably to the principles of the constitution. This was done by stating in the fourth resolution, that the colony assemblies

were *competent in law* to that purpose; in the fifth that they had *in fact* accomplished it; In the sixth that their supplies had been *productive*, and the parliamentary mode *barren and unfruitful*. Therefore he grounded himself solely on experience; and declared that, as experience had decided, he was ready to stand or fall.

The other resolutions were, first with respect to the several penal acts; which it would be proper to repeal, as the taxation they were meant to support was, on his plan, no longer to be exercised, and the disorders which these laws were meant to subdue, being likely no longer to have an existence.

The others tended to give the Americans a judicature *independent* of the pleasure of the crown. This plan, he had no doubt would give compleat satisfaction; and that satisfaction would restore their antient quiet and obedience to the colonies. He concluded with a strong and pathetic address to enforce the acceptance of the measures he proposed, which, he said, were not his, but the tried wisdom of their forefathers; and handed down to them by the angel of the constitution.

The speech continued near three hours. The House was remarkably attentive and serious. It is thought this speech if not the best, was at least inferior to none, which Mr. Burke ever delivered.

The motions which he made were these. They are not printed entire in the votes, for some reasons respecting the forms of the House, with regard to amendments.

1. He moved, that the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.

2. That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; * *by lack whereof they had been oftentimes touched and*
C c c 2 *grieved*

* These words were by an amendment that was carried, left out, which will appear in the journals, though it is not the custom to insert amendments in the votes.

grieved by subsidies, given, granted and assented to in the said court, in a manner prejudicial to the commonwealth, quietness, rest and peace of the subjects inhabiting within the same.

3. That from the distance of the said colonies, and from other circumstances, no method had hitherto been devised, for procuring a representation in Parliament for the said colonies.

4. That each of the said colonies hath, within itself, a body chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court, with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services.

These four had the previous question put on them.

5. That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have, at sundry times, freely granted several large subsidies and public aids, for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been, at sundry times, acknowledged by Parliament;

It passed in the negative.

6. That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in Parliament, to be raised and paid in the said colonies;

It passed in the negative.

7. That it is proper to repeal an act made in the 7th year of the reign of his present Majesty, intituled, "an act, for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawback payable on china earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations;"

It passed in the negative.

8. That

8. That it is proper to repeal an act, made in the 14th year of the reign of his present Majesty, intituled, "an act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares and merchandize, at the town, and within the harbour, of Boston, in the province of Massachusets Bay, in North America."

It passed in the negative.

9. That it is proper to repeal an act, made in the 14th year of the reign of his present Majesty, intituled, "an act, for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusets Bay, in New England;"

It passed in the negative.

10. That it is proper to repeal an act, made in the 14th year of the reign of his present Majesty, intituled, "an act for the better regulating the government of the province of the Massachusets Bay, in New England;"

It passed in the negative.

11. That it is proper to explain and amend an act, made in the 35th Year of the reign of King Henry the 8th, intituled, "an act for the trial of treasons committed out of the king's dominions;"

It passed in the negative.

12. That, from the time when the general assembly, or general court, of any colony or plantation, in North America, shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behaviour, and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office;

It passed in the negative.

13. That it may be proper to regulate the courts of admiralty, or vice admiralty, authorized by the 15th chap. of the 4th George III. in such a manner as to make the same more commodious to those who sue, or are sued
in

in the said courts; and to provide for the more decent maintenance of the judges in the same*.

This last had the previous question put upon it, That the question be now put.

It passed in the negative.

He was answered by the Attorney General, who displayed great dexterity and address in his observations on Mr. Burke's plan. The other speakers on that side were, Mr. Jenkinson, Mr. Cornwall, Lord Frederick Campbell, and others. The motions were supported by Lord John Cavendish, Mr. Hobart, Mr. Tuffnell, Mr. Sawbridge, and by Mr. Fox, who spoke with the greatest ability and spirit.

Mr. Jenkinson.

The ministerial side did not in general so much object to this plan, as repeat and inforce their general arguments on the supremacy of the British parliament, and in favour of the policy and necessity of American taxation. They denied that the American assemblies ever had, at any time, a legal power of granting a revenue to the crown. That this was the privilege of Parliament only, and could not be communicated to any other body whatsoever: for this Mr. *Jenkinson* quoted the famous act for securing the rights and liberties of the subject, commonly called the Declaration of Right; which, as they insisted, clearly inforced the *exclusive* right of taxing in parliament all parts of the King's dominions. The article is as follows, that "Levying money for, or to the use of the Crown, by pretence of prerogative, without grant of Parliament, for a longer time, or in other manner than the same is, or shall be granted is illegal†." This, he said, was not only prudent but necessary. The right of taxing was inherent in the supreme power; and by being the most essential of all powers, was the most necessary, not only to be reserved in *theory*, but exercised in *practice*; or it would, in effect, be lost, and all other powers along with it.

It was, he said, a great mistake, that the establishment of a parliament in Ireland precluded Great Britain from taxing that kingdom. That the right of taxing it, had always been maintained

* Left out in the amendment.

† The article which was so much relied upon by ministry, seems to relate only to taxes raised on pretence of prerogative, and does not touch those granted by legal assemblies out of the realm. Parliament knew of the Irish grants of taxes subsisting at the time of the declaration of right, and did not then, or at any time, think of condemning them as unconstitutional.

maintained and *exercised* too, whenever it was thought expedient, and ought undoubtedly always to be so, whenever the British parliament judged proper; having no other rule in this respect, but its *own discretion*. That all inferior assemblies were only like the *corporate towns* in England, who had a power, like them, of making bye-laws, and nothing more.

He recommended the example of the *French government* in their provinces called *Pais d'états*; where, though the people seem to grant, yet, in reality, the *mode* alone of raising the tax is left to the province; the crown always fixing the sum to be raised. These grants are, therefore, not free; but, as one of their own writers, Voltaire, calls them *repertus libres*, reputed free; and that the people were so well *satisfied* with this *reputed freedom*, that they never have refused to grant, except once, when the States of Languedoc were refractory: but an army being sent to reduce them, they were brought to obedience, and have been ever since perfectly quiet.

This was the substance of Mr. Jenkinson's speech. Lord Frederick Campbell took up the same maxims, and maintained them with great warmth; declaring, that he thought any minister ought to be *impeached*, who suffered the grant of any sort of revenue from the colonies to the Crown. Indeed it was possible, that such a practice *in time of war*, from the necessity of the case, might be tolerated, but that a revenue in time of peace could not be granted by the assemblies, without subverting the constitution. Lord Fred.
Campbell.

Mr. Jenkinson moved the previous question, upon the first proposition. Upon this question the House divided. Ayes 78; noes 270.

March 23.

The order of the day being read, for taking into consideration the amendments made in the House of Lords to the New England fishery bill, and it being late, and Lord North not come, Lord John Cavendish said, it was usual for the minister to come down at three, or a little after it; that he was the servant of the public, and ought to attend his duty; and that it was throwing an indignity on the House to thus keep them waiting, without even intimating what he meant to do. Lord John
Cavendish.

Mr. Grey Cooper said, he was certain his lordship had not the most distant intention of throwing any slight on the House, that he probably did not expect that the business in course would be so soon over, and that he supposed he might be engaged in some matters of a private nature. Mr. Grey
Cooper.

Colonel

Col. Barré. Colonel *Barré* observed, that if his lordship was really engaged with the ladies, as the minister of the day had informed them, it was a sufficient apology.

During this conversation Lord North made his appearance, and as soon as he got to his place apologized to the House. His lordship observing that the House was thin, moved that the consideration of the amendments be put off till to-morrow, which was agreed to: Colonel *Barré* only observing, that the reasons assigned by the minister of the day, and the noble lord himself, were totally different.

March 24.

The House took into consideration the amendments made by the Lords, in the bill for restraining the trade of the four New England provinces; and the said amendments, after a short conversation, were severally disagreed to by the House.

Lord North moved, that a committee be appointed to draw up reasons, to be offered at conference, why the House had disagreed with the said amendments; and a committee was accordingly appointed, who returned in about a quarter of an hour with the reasons, which his lordship reported, and which, after another short conversation, were agreed to by the House.

Adjourned to March 27.

March 27.

Mr. Rice was sent with a message to the House of Lords, desiring an immediate conference with their lordships in the painted chamber. The managers being returned, Lord North reported, that they had left the bill with their lordships for restraining the trade, and prohibiting the fishery of Massachusetts Bay, &c. on the banks of Newfoundland, together with the reasons for the Commons having disagreed to some of the amendments made by their lordships.

In about half an hour a message was received from the Lords, acquainting the House, that their lordships do not insist on the amendments made by them to said bill, and which had been disagreed to by the Commons.

Mr. Gilbert. Mr. *Gilbert*. It may be thought presumptuous in a person so inconsiderable as myself, to call the attention of this House to a subject of such high and general importance, as that which respects the employment and relief of the poor within this kingdom. I feel the force of the observation, and am conscious how unequal I am to the task.

I have long expected that some gentlemen of far superior abilities and consequence in this House, would have resumed the consideration of this most important subject; but as that

has

has not happened, I am desirous, with the indulgence of the House, to submit my thoughts upon it to their consideration, in hopes that it may induce gentlemen of great and distinguished abilities to give their attention and assistance to it.

If that should be the case, my purpose will be answered, and the public will be benefited.

I shall not mispend the time of the House, by stating the various acts of parliament which have been made upon this subject, or in pointing out the particular defects in the present system of our poor laws; it will be sufficient to mention a few facts in the knowledge of every gentleman who hears me, viz.

That there is an immense sum of money annually raised in this country for the relief and maintenance of the poor; a sum I believe not inferior, perhaps superior, to that raised by the land-tax at four shillings in the pound, which is two millions per annum.

That notwithstanding this very ample provision for the poor, they are in general miserably accommodated. This is apparent to every gentleman, both in town and country, who daily find a number of distressed objects in the streets and highways, begging, thieving, and starving.

This shews some great defect either in the laws themselves, or in the execution of them.

It will be necessary to trace these evils to their origin, and see from what sources they arise, before we think of the remedy: Too many of them, I fear, are rooted in the degeneracy of the times, in the depravity and corruption of the morals of the people; others, I apprehend, proceed from some defect in the laws.

The foundation of the poor laws was laid by Queen Elizabeth; the act passed in the 43d year of her reign, was founded in wisdom and sound policy; it was carefully penned, and very well adapted to the temper and genius of the people at that time.

The general principles of that statute were, the employment of the poor who were able to work; the punishing of those who were able, but not willing, to work; the supporting and maintaining the aged, infirm, and impotent poor; the taking proper care of the infant poor, by binding them out apprentices, &c.

The fund for those purposes was to be raised by taxation of every inhabitant and occupier of lands, &c.

Those principles comprehend every thing that is wanted

or can be wished, in regard to the poor at this day, and that law still remains in force.

But partly from a change in the manners and dispositions of the people, which have been produced in the course of near two centuries, and still more from the intervention of a great number of acts of parliament for subdividing parishes (before too small for the proper care, employment, and government of the poor) into townships; for fixing their settlements; giving powers of removal; for allowing certificates, and afterwards restraining the use of them, those excellent principles, and every purpose of that statute of Queen Elizabeth, have been defeated.

Those impolitic regulations have introduced nothing but frauds, perplexities, and endless confusion. The great struggle now is between parish and parish; every artifice is used, every endeavour exerted, by the parish officers, often with great inhumanity to the poor, to ease their own parish, and lay the burden upon their neighbours. The poor are harassed by removals from place to place, which deprive them of all rest and comfort; litigations are encouraged; great sums spent in support of them, and in maintaining the idle and profligate; the real purposes for which that heavy tax is laid, viz. the maintenance and relief of the indigent and necessitous poor, is but little regarded.

This review of the situation of our poor and poor laws, affords but a melancholy prospect.

How and by what means this evil can be cured, is the great and important question. Difficulties present themselves on every side; if we look back, we shall find that all those endeavours which have been repeatedly exerted at different periods to redress these grievances, have hitherto proved unsuccessful; if we look forward, we shall see the evil increasing daily.

What shall we do in this dreadful situation?

Shall we sit still under this oppression? or shall we not rather attempt some plan for relief, before it is too late, as these evils seem to threaten the utter ruin and destruction of this country, and every thing that is dear and valuable to us? If nothing is attempted, nothing can be effected.

I think a great part of the cure lies within these walls; but I am certain no undertaking of this sort can succeed, without our united endeavours. I am happy to see great abilities in every quarter of the House, extremely well adapted to this business; those abilities, well exerted, will, I hope, be sufficient to overcome all difficulties.

I have

I have no partiality to any particular plan, but shall be very willing to contribute the best of my poor endeavours to those of other gentlemen, in forming such a one as shall, upon mature consideration, be most likely to produce the reformation so much wanted, if the House shall be pleased to grant the motion which I intend to make, for referring the consideration of this matter to a committee.

The object of the late bill (I mean that which passed this House ten years ago) was to incorporate a considerable number of parishes in each county, into districts, and was adopted upon a plan which had been introduced in some counties, under particular acts before that time; but that bill was rejected by the Lords: since that time more parishes have, in like manner, been incorporated into districts.

It may be of service to know what success has attended them; the experience from the several houses of industry within these districts, may furnish useful information for the forming a general regulation upon the subject now before us; and, it is hoped, some motions may be framed by the committee, upon which the order of this House may be given for procuring such returns from those houses of industry, and also from work-houses, which have been established in many cities and towns, by the authority of particular acts of parliament, which may shew under what rules, bye-laws, and regulations, such houses have been conducted, and how the poor have been employed and maintained therein.

I wish to have these enquiries extended further, and think the reformation of the houses of correction, in all parts of the kingdom, must constitute an essential part of any general and useful regulation; as I fear, instead of correction and labour, idleness, drunkenness, and all sorts of profligacy, are but too prevalent in many of those houses, from whence the persons sent thither, generally return more wicked and abandoned than they went.

The vagrants likewise seem to be objects worthy our attention and enquiry; the great increase of expence to many counties, in maintaining and passing them, is alarming, and gives reason to suspect, that there are frauds and abuses in the execution of those laws.

The committee may also form motions upon those heads, which may be the means of procuring necessary information, for considering those objects with the others the next session.

Every step of this sort ought to have a tendency to some general plan. I have turned my thoughts very much upon the subject, and shall communicate them freely to the committee,

where I hope to hear the sentiments of many other gentlemen upon it; and that when we have conferred together, we shall be able to form something which may be beneficial to this country, upon the principles established by the act of Queen Elizabeth.

I cannot conclude without expressing my thanks to the House, for their indulgence and very great attention to what I have taken the liberty of representing for their consideration, upon this very interesting and important subject.

He moved, That a committee be appointed to review and consider the several laws which concern the relief and settlement of the poor, and the laws relating to vagrants; and also the state of the several houses of correction in England; and report the same, with their opinion thereupon, to the House; and a committee was appointed accordingly.

Mr. Hartley. *Mr. Hartley.* I find myself under the necessity of making some apology to the House, for the trouble which I am going to give them this day; and to assure them, that it is with the greatest deference that I presume to obtrude any sentiments of mine, upon the important subject of America. Though I have so lately had the honour of a seat in this House, yet I have for many years turned my thoughts and attention to matters of public concern and national policy. This question of America, is now of many years standing; of the greatest public notoriety, as to the facts upon which it turns; and every opinion has been so fully debated over and over, that any man who has given his mind to public business, may be supposed equally informed out of the House as in it.

When I threw out the propositions casually before Christmas, which I shall offer more formally to you to-day, my view was in no sort hostile to the administration. I saw the difficulty that we were got into by our own precipitancy; that unhappy dilemma, which offered nothing but ruin in going forward, or disgrace in the retreat. I was in hopes, from some phrases dropt by the noble lord at the head of the treasury, in the beginning of the session, of others being more sanguine and more impatient than himself; that he at least would have shewn some disposition to relent: and I still believe, if he were at liberty to follow his own inclination and judgment, that it would be so. I am the more warranted in thinking so, from the proposition which the noble lord himself offered to the House some time ago. There was in that proposition, a shew of conciliation to captivate one side of the House, and sufficient to betray what were his own wishes; but on the other side there was the reality of every unrelenting and vindictive measure

measure annexed, to prove, that there still were others more sanguine and more impatient than himself; over whom, with all his abilities, with all his eloquence, with all the advantages of his situation, he could not maintain his ascendant. Whatever struggles the noble lord may have had with himself or his friends, they are all at an end; the die is cast for war with America. It was found, that any conciliatory proposition must have been in some degree a concession, which none of his unrelenting friends would consent to.

However, by the noble lord's proposition, there is one concession made to America, under the authority of this House, which cannot be recalled; and which finally and conclusively condemns the conduct of every administration for these ten years past, one excepted; I mean the repeal of the stamp act. If it can be proper *now* to offer to the colonies to pay upon requisition, what can this nation say for having kept out of the only right road for *ten years*? How can we censure the colonies for any errors committed by them, which were the consequences of our own beginning at the wrong end? Tho' a threat is now annexed to the noble lord's requisition, yet if, at first, we had begun with a requisition instead of taxing, it would have been more just and prudent. There could be no justice or prudence in threatening a people who had always contributed most freely; who never would have called our supposed right in question, but for our misapplication of it. Therefore, Sir, when I have brought back the noble lord's compulsory requisition, to my free requisition, it stands confessed, upon the very nature of his proposition itself, that I have set it upon its own true original ground.

There is another objection to the noble lord's plan, which, as I have mentioned it upon a former occasion, I shall only remind you of in a few words: I mean a breach of faith with the colonies. A secretary of states writes, in 1769, a circular letter to the colonies, to assure them, That you will never raise a revenue by taxing. A few years after, upon a negotiation with the East India Company, the three-penny tea-tax becomes not merely a quit-rent for the point of honour, but rises to an actual revenue. Then you plead, that you did not break your word, as the revenue arising was not in your original intentions, but only casual, from a regulation of trade. But what can you say now? The noble lord boasts, that he has put the question upon the true ground, a demand for a substantial revenue; a demand, attended with threats of compulsion. What is this less than raising a revenue by a tax?

But

But in any case, let the noble lord think what he will of his proposition; why has he not, in so many weeks, given it some practicable shape? Why has he not offered some act of Parliament to give it effect? However, as he has omitted that, I shall take the proposition without its objectionable parts, and propose an address to the King to give it force; in which motion, I hope to meet with the support of those gentlemen who gave it countenance originally, when it came from the noble lord. I shall give the whole substance of the proposition; only leaving out in the address to the King, any threats of the compulsion, which you meditate in reserve. If you think that you have the right of taxing, I pass it over in silence,—if you have the power, I do not—I cannot, take that away. Then make a free requisition; and be contented to keep to yourselves the satisfaction of thinking, that you have something in reserve, in case of non-compliance. Keep that *sub silentio*; at least till you find that it becomes necessary. I am not an advocate either for the right or the expediency of taxing the Americans, but the contrary. However as far as we go the same road of requisitions, let us go together.

As what I have to offer, will be founded upon requisitions to the colonies, I will endeavour to answer an objection before hand, which I have heard in this House. It is to the plan of *royal* requisitions. This objection to the interference of the royal name, comes from a side of the House, from which one should least have expected it. However if this be an objection, mine are not *royal* requisitions. My motion originates from the House of Commons, to desire the King, as the executive magistrate, to put *their* plan into effect. If the power of making requisitions to the colonies, is not in the King; my motion is to give the authority and sanction of Parliament to this measure. It is so far from being my proposition, to enable the crown to raise what supply it can from America, independent of Parliament; that my motion is the very first which has ever had in contemplation, to lay a parliamentary controul upon that power; and to require that all answers from America shall be laid before this House for the very purpose of controuling that power in the crown. I have so doubly guarded that point, that my motion is not even for the crown to demand a supply from America; but for services to be performed in America; for the defence, security and protection of the colonies themselves.

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I would wish to state to the House the merits of this question, of requisitions to the colonies; and to see upon what principles it is founded; to revise and settle the accounts between Great Britain and her colonies; and then, upon a foundation of distributive justice, to come to some settlement. We hear of nothing now, but the protection which we have given to them; of the immense expence incurred on their account.—We are told that they have done nothing for themselves; that they pay no taxes; in short, every thing is asserted about America to serve the present turn, without the least regard to truth.—I would have these matters fairly sifted out.

To begin with the late war. The Americans turned the success of the war, at both ends of the line. General Monkton took Beaufejour in Nova Scotia with 1500 provincial troops and about 200 regulars. Sir William Johnson in the other part of America, changed the face of the war to success, with a provincial army, which took Baron Dieskau prisoner. But, Sir, the glories of the war, under the united British and American arms, are recent in every one's memory. Suffice it to decide this question; that the Americans bore, even in our judgment, more than their full proportion; that this House did annually vote them an acknowledgement of their zeal and strenuous efforts, and a compensation for the excess of their zeal and expences, above their due proportion. They kept, one year with another, 25000 men on foot, and lost in the war the flower of their youth. How strange must it appear to them to hear of nothing down to the year 1763, (March 14, 1763) but encomiums upon their *active zeal and strenuous efforts*, and then, no longer after than the year 1764, in such a short space of time, to see the tide turn, and from that hour to this, to hear it asserted that they were a burden upon the common cause; asserted even in that same parliament, which had voted them compensations for the liberality and excess of their services.

Nor did they flint their services to North America: they followed the British Arms out of their continent, to the Havannah and Martinique, after the compleat conquest of America. And so they had done in the preceding war. They were not grudging of their exertions,—they were at the siege of Carthagea—yet what was Carthagea to them, but as members of the common cause, of the glory of this country!—In that war too, Sir, they took Louisbourg from the French, single-handed, without any European

European assistance; as mettled an enterprize as any in our history! an everlasting memorial of the zeal, courage and perseverance of the troops of New England. The men themselves dragged the cannon over a morass which had always been thought impassable, where neither horses nor oxen could go; and they carried the shot upon their backs. And what was their reward for this forward and spirited enterprize? for the reduction of this American Dunkirk? Their reward Sir, you know very well: it was given up for a barrier to the Dutch. The only conquest in that war which you had to give up, which would have been an effectual barrier to them against the French power in America, though conquered by themselves, was surrendered for a foreign barrier. As a substitute for this, you settled Halifax for a *place d'armes*, leaving the limits of the province of Nova Scotia as a matter of contest with the French, which could not fail to prove, as it did, the cause of another war. Had you kept Louisbourg instead of settling Halifax, the Americans may say, at least, that there would not have been that pretext for imputing the late war to their account. It has been their forwardness in your cause, that made them the objects of the French resentment. In the war of 1744, at your requisition, they were the aggressors with the French in America. We know the orders given to Mons. D'Anville, to destroy and lay all their sea-port towns in ashes; and we know the cause of that resentment; it was to revenge their conquest of Louisbourg.

Whenever Great Britain has declared war, they have taken their part. They were engaged in King William's wars and Queen Ann's, even in their infancy. They conquered Acadia in the last century, for us; and we then gave it up. Again, in Queen Ann's war they conquered Nova Scotia, which, from that time, has always belonged to Great Britain. They have been engaged in more than one expedition to Canada, ever foremost to partake of honour and danger with the mother country.

Well, Sir, what have we done for them? Have we conquered the country for them from the Indians? Have we cleared it? Have we drained it? Have we made it habitable? What have we done for them? I believe precisely nothing at all, but just keeping watch and ward over their trade that they should receive nothing but from ourselves, and at our own price. I will not positively say, that we have spent nothing; though I don't recollect any such article upon our journals: but I mean, not any material expence in settling them

them out as colonists. The royal military government of Nova Scotia cost, indeed, not a little sum; above 500,000*l*. for its plantation, and its first years. Had your other colonies cost any thing similar, either in their out-set or support, there would have been something to say on that side; but instead of that, they have been left to themselves for 100, or 150 years, upon the fortune and capital of private adventurers, to encounter every difficulty and danger. What towns have we built for them? What deserts have we cleared? What country have we conquered for them from the Indians? Name the officers—name the troops—the expeditions—their dates. Where are they to be found? Not in the journals of this kingdom. They are no where to be found.

In all the wars which have been common to us and them, they have taken their full share. But in all their own dangers, in all the difficulties belonging separately to their situation, in all the Indian wars which did not immediately concern us, we left them to themselves to struggle their way through. For the whim of a minister, you can bestow half a million to build a town, and to plant a royal colony of Nova Scotia; a greater sum than you have bestowed upon every other colony together, since their foundation.

And notwithstanding all these, which are the real facts, now that they have struggled through their difficulties, and begin to hold up their heads, and to shew that empire which promises to be the foremost in the world, we claim them and theirs, as implicitly belonging to us, without any consideration of their own rights. We charge them with ingratitude, without the least regard to truth, just as if this kingdom had for a century and a half, attended to no other object; as if all our revenue, all our power, all our thought, had been bestowed upon them, and all our national debt had been contracted in the Indian wars of America, totally forgetting the subordination in commerce and manufactures, in which we have bound them; and for which, at least, we owe them help towards their protection.

Look at the preamble of the act of navigation, and every American act, and see if the interest of this country is not the avowed object. If they make a hat or a piece of steel, an act of parliament calls it a nuisance: a tilting hammer, a steel furnace, must be abated in America as a nuisance. Is it so with their fellow subjects on this side of the Atlantic? Are the hats and cloths of Gloucestershire nuisances? Are the tilting hammers of Pontipool nuisances? Are the cutleries of Sheffield and Birmingham nuisances? Are the stockings

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of Nottingham nuisances? Are the linens of Scotland, Ireland, or Broomsgrove nuisances? Are the woollen cloths of Yorkshire, the crapes of Norwich, or the cottons of Manchester, nuisances? Sir, I speak from facts. I call your books of statutes and journals to witness. With the least recollection, every one must acknowledge the truth of these facts.

But it is said, the peace establishment of North America has been, and is, very expensive to this country. Sir, for what has been let us take the peace establishment before 1739, and after 1748. All that I can find in your journals is, four companies kept up at New York, and three companies in Carolina. As to the four companies at New York, this country should know best why they put themselves to that expence; or whether they were really at any expence at all; for these were companies of fictitious men. Unless the money was repaid into the treasury, it was applied to some other purpose; for these companies were not a quarter full. In the year 1754, two of them were sent up to Albany, to attend commissioners to treat with the six nations, to impress them with a high idea of our military power; to display all the pomp and circumstance of war before them, in hopes to scare them; when, in truth, we made a very ridiculous figure. The whole complement of the two companies did not exceed thirty tattered, tottering invalids, fitter to scare the crows. This information I have had from eye-witnesses.

It has not fallen in my way to hear any account of the three Carolina companies: these are trifles. The substantial question is, What material expence have you been at in the periods alluded to, for the peace establishment of North America? Ransack your journals. search your public offices for army or ordnance expences. Make out your bill, and let us see what it is. No one yet knows it. Had there been any such, I believe the administration would have produced it before now, with aggravation; as was the case a few years ago with the East India company, who had their effects arrested for a long bill, when they little expected it, and that bill too not very scrupulously charged: but when money is in the case, whether from the east or from the west, ministers can make as long bills as other people.

But is not the peace establishment of North America now very high, and very expensive? I would answer that by another question; Why should the peace establishment since the late war, and the total expulsion of the French interest, be higher than it was before the late war, and when the French possessed

possessed above half the American continent? If it be so, there must be some singular reason.

I cannot suppose that you mean, under the general term of North America, to saddle all the expences of Canada, Nova Scotia, Cape Breton, Newfoundland, Florida, and the West Indies, upon the old colonies of North America. You cannot mean to keep the sovereignty, the property, the possession (these are the terms of the cession in the treaty of 1763) to yourselves, and lay the expence of the military establishment, which you think proper to keep up, upon the old colonies.

Sir, the colonies never thought of interfering in the prerogative of making war or peace; but if this nation can be so unjust as to meditate the settling the expence of your new conquests separately upon them, they ought to have had a voice in settling the terms of peace. It is you, on this side of the water, who have first brought out the idea of separate interests, by planning separate and distinct charges. It was *their* men, and *their* money, which had conquered North America and the West Indies, as well as yours, though you seized all the spoils; but they never thought of dictating to you what you should keep, or what you should give up, little dreaming that you reserved the expence of your military governments for them. Who gave up the Havannah? Who gave up Martinique? Who gave up Guadaloupe, with Mariegalante? Who gave up Santa Lucia? Who gave up the Newfoundland fishery? Who gave up all these, without *their* consent, without *their* participation, without *their* consultation, and after all without equivalents? Sir, if your colonies had but been permitted to have gathered up the crumbs which have fallen from your table, they would gladly have supported the whole establishment of North America.

Your colonies have now shewn you the value of lands in North America; and therefore you have vested in the crown the sovereignty, property, and possession of infinite tracts of land, perhaps as extensive as all Europe, which the crown may dispose of at its own price, as the land rises in America, and grants become invaluable; and to enable the crown to support an arbitrary military, nay even a Romish government, till these lands rise to their future immense value, you are casting about to saddle the expence either upon the American or the British supplies. The Americans must, indeed, be in a state of insanity, if they do not see the tendency of all this; and we ourselves must be more insane and blind even than the Americans; we, who have already seen the patronage of the East Indies put into the hands of the

crown, and who now see the sovereignty, property, and possession of North America, with every military and despotic power, vested solely in the King's hands; we, who are made to learn every hour, by precept and example, that charters, being but the breath of kings, are to be annihilated by the breath of pliable parliaments; we must be, Sir, I say, more insane than them, if we do not see the tendency of all this, and if we do not provide in time for our own security, as well as for that of America. I will not suppose, that we can be so improvident as not to attend to these important and perhaps not very distant events; nor, with respect to the present question, will, I suppose, that Parliament meditate so great an injustice, as to require your old colonies to support the charge of all your new conquests, and all the rest of America.

This country is very liberal in its boasting of its protection and parental kindness to America. Is it for that purpose that we have converted the province of Canada into an absolute and military government, and have established the Romish bigotry dominant, as a terror upon all our ancient and protestant colonies? What security, what protection do they derive? In what sort are they the better for the conquest of the French dominions, if we take that opportunity to establish a government, civil, military, and ecclesiastical, in the utmost degree hostile to the government of our own provinces, and with the intent to set a thorn in their sides? Is this affection and parental kindness? Surely you do not expect that they should be taxed and talliaged to pay for this rod of iron which you are preparing for them!

Now, Sir, I come to a point, in which I think you may be said to have given some protection. I mean the protection of your fleet to the American commerce. And even here I am at a loss by what terms to call it; whether you are protecting yourselves or them. They are *your* cargoes, *your* manufactures, *your* commerce, *your* navigation. Every ship from America is bound to Great Britain. None enter an American port, but British ships and men. While you are defending the American commerce, you are defending Leeds and Halifax, Sheffield and Birmingham, Manchester and Hull, Bristol and Liverpool, London, Dublin and Glasgow. However, as our fleet does protect whatever commerce belongs to them, let that be set to the account. It is an argument to them, as well as to us. As it has been the sole policy of this kingdom, for ages, by the operation of every commercial act of Parliament, to make the American commerce totally subservient to our own convenience;

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venience, the least that we owe to them in return is protection.

Sir, I have now stated my sentiments upon the preliminary matters. I have endeavoured to state the services, in war, of the Americans, with ours, and their mutual proportions; in which, by our own confession, the Americans have taken more than their share. I have stated the expence of your military establishment for them, such as it has been, or such as it need to be, always protesting against the imposition of the charge of the conquered provinces upon them; and I have stated the necessity and convenience of your fleet to their commerce. Let this line of dividing the question, be pursued to what minuteness you will, in order that we may come to a fundamental judgment; let debtor or creditor fall on which side it will, I have no bias to either side of the argument; but to have perfect and liberal justice done, and reconciliation, if possible effected, upon sound and equitable principles. I will beg leave to read to the House a draught of a letter of requisition, which I have drawn up after the manner of former requisitions to the colonies, and which I have endeavoured to adapt to the present circumstances.

Here he read the following draught * of a letter of requisition to the colonies.

“His Majesty having nothing so much at heart, as to see every part of his dominions put into a state of security, both by sea and land, against any attack, or even apprehension of attack, from foreign powers, has therefore particularly taken into his consideration, the necessity of keeping up a respectable marine establishment; as well for the actual protection of the commercial interests of Great Britain and America; as to maintain undiminished the power and pre-eminence

* This draught is made out, according to the usual and official forms, and upon the model of former letters of requisition to the colonies. Whenever it has been thought proper to require aids from the colonies, it has been the invariable custom for the secretary of state to write a circular letter to the governors of the several provinces, stating the occasion of the demand, the circumstances of the case, and the necessity, importance, or expediency of the services required, with directions to lay the same before the respective assemblies, “to use his influence with them, and to recommend it to them, to take these matters into their consideration, and to comply with such reasonable requisitions.”—*The American colonies have ever complied most cheerfully and liberally with all such reasonable and constitutional requisitions.*

eminence of the royal flag of Great Britain, and to preserve that navy, which has in the time of war, carried us triumphant over all our enemies, from falling into neglect or inaction, in the time of peace. The naval power of Great Britain, is more especially necessary, for the protection of his Majesty's American subjects, from the special nature of their case; who have indeed each of them, by their respective militias, a provincial security by land, but from the want of a similar establishment at sea, are particularly ungarded on that element. The colonists are dependent upon the security of the sea, not only for their own trade, but likewise for that supply of British manufactures, which, if they were under the necessity of providing for themselves, would draw them off from those objects of their colonization, which are more beneficial to them, the possessing, and bringing into culture, the extensive and fertile lands of America. It is therefore the peaceable pursuit and enjoyment of all and every one of these advantages, for which they are beholden to his Majesty's royal navy, for protection.

"His Majesty has likewise taken into his consideration, the state of the American Colonies, with respect to their military defence by land. The glory of all the American conquests in the late war, was accomplished by the active zeal, and strenuous efforts, of the British and American united arms; in the prosecution of which, his Majesty has repeatedly had experience, that his faithful and loyal subjects of America, have contributed more than their proportion. His Majesty is therefore well pleased, that his American subjects should reap, upon the fortunate termination of that war, the advantages of security most peculiarly beneficial to their situation. He considers this security, as no more than a just and adequate recompence, for the liberality, zeal, and courage of their exertions, in the conquest of all those hostile provinces, and in the extirpation of all those foreign European interests, which had for many years been hovering, with an evil aspect, over the British American colonies, and circumscribing their early growth.

"His Majesty considers, that the establishment and confirmation of his newly-acquired dominions, for the peace, safety, and tranquility of his ancient and loyal colonies, requires the same union of mind and measures, between all his subjects on each side of the Atlantic Ocean, by which they were acquired; and that suitable and proportionate provisions should be made, by the respective parts of his Ma-

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Majesty's dominions, according to the interest or advantages to each respectively resulting; the sovereignty, property and possession of the said conquered dominions, being ceded to Great Britain, on the one side; and a permanent and peaceable security, from all foreign enemies, or foreign forces, being the beneficial advantage acquired, and from the time of their conquest enjoyed, by the American colonies on the other. His Majesty therefore, on this subject considers, that in reason, by much the greater part of the expences of the establishment of the conquered provinces, should fall where the sovereignty, property and possession are vested.

“With respect to the military defence of his Majesty's ancient colonies, the same plan may be adopted, which has obtained in former times of peace, as no greater standing force need be added to the militias of each province, than was found necessary, before the expulsion of all foreign interests from North America. Upon consideration of each of these branches requiring some military establishment, his Majesty thinks it necessary, with the consent of parliament, to keep up some standing forces in America; as well for the security of his newly acquired dominions, as to be in readiness, in case any of his ancient colonies should be attacked, to act in conjunction with the militia of any such colony, for the required defence. His Majesty therefore, upon consideration of the premises, both with respect to the necessary naval and military establishments, thinks it not unreasonable, to order requisitions to be made, to the several assemblies of his loyal colonies in North America, for a suitable and voluntary provision, for the purposes of defending, protecting, and securing the said colonies.

“And to make the execution of this matter as convenient, and as satisfactory as possible, to his subjects in America, his Majesty recommends the mode to the option of the colonies; as it will be equally satisfactory to him, if the colonies themselves will undertake the performance of the services, under his Majesty's orders, by equipping, arming, and maintaining, a suitable number of vessels, with the proper complement of men, to be under the command of such naval officers, as his Majesty shall from time to time, appoint; and in like manner to levy, cloath, pay and provide for, such proportion of forces upon the military establishment of America as shall be equitable upon the circumstances of the case, and upon consideration of the respective abilities of each province; such forces to act either separately, or in conjunction with any other of his Majesty's forces, and to be

be under the supreme command of all such officers, as his Majesty shall think proper to appoint. His Majesty will order an account to be laid before the several assemblies, of the naval and military establishments, which his Majesty hereby requires them to furnish.

“His Majesty is not unmindful, of the many restraints and prohibitions which the colonies are under, in respect to their commerce and manufactures; and that many of the regulations established by the authority of the British parliament, operate to the same effect (though indirectly) as taxes, This is the accepted condition of their emigration, to continue subordinate to the British commerce, and instrumental to the support and extension of British manufactures, while they are left at liberty themselves, to spread into the continent of North America. But as many of these regulations and restraints were formed in old times, when the principles of commerce were perhaps ill understood, and as it may be found that many of them are nugatory, or vexatious to the American colonies, without being beneficial to Great Britain; his Majesty hopes, that an amicable compliance with the above-mentioned reasonable requisitions, and an ostensible contribution on the part of the colonies, to the general parliamentary supply, will pave the way for many relaxations in the articles of commerce. And his Majesty gives the strongest assurances to his colonists, that he will, at all times, recommend to his Parliament, to revise, repeal, explain, amend and relax, all such restraints and prohibitions, as shall appear to be frivolous, unjust, impolitic and oppressive to the colonies.

It is with great grief that his Majesty, who is the common father of his people, and views with an equal eye of affection, his subjects in every part of his dominions, has of late years observed the very unhappy divisions, which have subsisted between his British Parliament, and the assemblies of his American subjects; and that needless and imprudent discussions of speculative points, from mutual misapprehensions, have been converted into anger and animosities, which threaten the most fatal consequences. His Majesty is too well acquainted with the natural justice and moderation of his British Parliament, to believe that they could ever entertain the thought, of any known or intended injustice or grievance, to their fellow subjects in America; and from the many recent and repeated proofs of obedience, loyalty and affection, from the colonists, and of their liberality and disinterested zeal for the honour of his Majesty's arms, which they have

have freely and chearfully followed into distant climates, after the complete conquest of America ; he is equally assured that his American subjects, are incapable of being influenced by narrow or selfish motives. His Majesty has the fullest confidence, in the repeated declarations of his American colonies, who have separately and collectively declared, " That they do sincerely recognize their allegiance to his crown, and all due subordination to the Parliament of Great Britain ; that they shall always retain the most grateful sense of the assistance and protection, which they have received ; that their lives and fortunes are entirely devoted to his Majesty's service, to which, on his royal requisitions, they have ever been ready to contribute, to the utmost of their ability." Therefore his Majesty has the fullest dependence, " That whenever the exigencies of the state may require it, they will, as they have heretofore done, chearfully contribute their full proportion of men and money." His Majesty entertains the most confident hope, from the upright intentions of both parties, that upon a cool re-consideration of the original matters in dispute, which his Majesty has endeavoured to state upon the grounds of reason, with fairness and impartiality, all unhappy animosities and civil distractions, will be composed upon the solid foundations of equity and justice ; and that all things will be restored to that happy state of harmony and mutual affection, which subsisted at the termination of the late glorious war ; and that every hostile and vindictive act or declaration, which has passed from the commencement of these unfortunate troubles, will be buried in everlasting oblivion.

" It would be a grievous affliction to his Majesty, to see the courage of his faithful subjects, averted to civil dissentions ; and the lustre of the national arms stained with civil blood ; to see the general peace and tranquility broken, and invitations thereby thrown out to his enemies, to disturb the glories of his reign ; to see the unhappy divisions of this kingdom against itself, giving courage to their secret resentments, and tempting them, in an evil hour, to reassume those hostile purposes against his Majesty's dominions, which the united and compacted powers of the whole House of Bourbon, were unable, in the late glorious war, to accomplish, against the then united and compacted arms of Great Britain and America. His Majesty's most earnest and most anxious wishes are, to see unanimity restored amongst all his subjects, that they may long enjoy in peace the fruits of those common victories which have heretofore cemented them in one general

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cause; that living in harmony and brotherly kindness one towards another, and in one common obedience to the supreme legislature, they may join all hands with one heart, to support the dignity of his Crown, the just authority of Parliament, the true and combined interests of Great Britain and America; and thus transmit to posterity, with everlasting honour, the united empire of these kingdoms."

This is the plan, and the terms, or to the effect, that, according to the best of my judgment, a requisition on the present subject should be drawn. I have endeavoured to state the case in such a manner, as may open a way to reconciliation on both sides. Make your requisitions free, and let them be founded in reason and justice; and there are no subjects in any kingdom that will be deaf to reason, justice, common interest, and mutual obligations: and I am sure, from the repeated liberality and zeal of our colonies, we, of all the kingdoms in the world, have the least reason to distrust those of our own consanguinity.

I cannot think it a possible thing in our constitution, that any one seriously, upon a moment's reflection, can admit the thought of denying to the Americans their judgment upon the necessity or application of money required. That is the right of all free subjects, without which they have nothing that they can call their own. Let your requisitions be free, for reasonable and substantial services, and faithfully performed, and there is no example of a refusal in such a case, in any state. That consents are withheld, and ought so to be, in case of grievances unredressed, our own history abounds with examples. Our rights and liberties would have long ago been trampled under foot, but for that reserved power in the Commons. But a refusal, in a reasonable case, is as yet without example. Absurdity and caprice are not the principles which govern men, in the great concerns of state; but reason over-rules all little caprices. In Holland, the consent not only of the states general, but of the provincial states, and in many instances, I believe, of every town in each province, is necessary for great acts of state; and yet that negative never stands in the way against reason. Where measures have common sense, and common reason, for their foundation, they will never be obstructed; where they have not, they ought to be defeated.

But it is said, that we can hear of no terms with the Americans, who have been in a state of resistance to our authority. Sir, I wish to cast no retrospect, but only to look forward to reconciliation, and to prevent the shedding of blood.

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The resolution of the noble lord has confessed, and the House has adopted the truth of it, that requisition is the proper way. Your colonies have been calling out to you incessantly, for ten years, to make your demands by constitutional requisitions. This House, after a ten years misunderstanding, has confirmed that to be, in their opinion too, the right way. Then why not close now at least upon that ground, without retrospect. The colonies have been driven to resistance against their wills, lest they should have nothing that they could surely call their own. The right to take any nation's money indefinitely, without their consent, without measure, without account, without any enquiry into the application, is not to be conceded or compromised by any nation upon the earth. Resistance or ruin must infallibly be the consequence; and those who are compelled to resistance, by your having persevered in the principle of taking by force, till the noble lord's proposition, which has at last condemned it, have been forced to deny that authority, which they always had, and always would have wished to acknowledge and support. It was that unconquerable and irresistible impulse of nature, self-defence, which cut off all retreat: then let us cast no retrospect. If the grounds of this unhappy dispute can be settled, all may be peace yet. If the Americans could be assured, that you would not again make resistance absolutely necessary to their security and very being as a people, they are ready enough to acknowledge their subordination, and all the rights of Great Britain. Let them know, that peace and security to their rights and properties shall be the certain condition of acknowledging the supreme legislation of this country, and the matter is ended.

Sir, after I shall have received the determination of the House upon the motion for requisitions, I shall take the liberty to offer three other motions, for a suspension of the three vindictive American bills of the last session. The connection of these motions with the preceding, is too obvious to require any explanation or debate. I would only take leave to say, that I should not have moved for a mere suspension of these bills, if a motion for their repeal had not already been rejected by this House. Having given an unavailing vote for their repeal, I now come to entreat for the next degree, at least for suspension. You have excommunicated Boston, and proscribed the whole province of New England unheard: then recollect your justice, and whether you send even the noble lord's compulsory requisition to America, or this motion of mine for a free requisition; suspend your

vindictive hand, and, whilst you treat for peace, arrest the sword.

Sir, I have now offered what I have to say upon this important subject. I have given it my most serious, I may say my only attention, ever since I have been in a situation to give a responsible vote upon it; and I heartily wish, that some means or other may be found in time to stop the effusion of civil blood. And here, Sir, I offer my poor sentiments to the House, and to the noble lord, as in the place of minister. It is a great responsibility that will lie at his door, who is to have the recommendation, I might say the decision, of the measures to be adopted. We on this side the House, who have opposed the whole system of American measures, have not done it merely for the sake of opposition. We have not sheltered ourselves under—No, no.—But we have declared our principles, we have offered our plans; and they must now remain with Great Britain and America at large, to discuss and weigh their merits, to accept or to reject them. The noble lord has a great ascendent in this House. Perhaps his plan, if he has any thing to be called a plan, may find advocates and voices here. But our country at large, Great Britain and America, must finally decide. My honourable friend near me [Mr. Burke] has, with unrivalled ability, opened to you his principles and plan. The Earl of Chatham has, in the other House, offered his provisional bill for conciliation, to the ministry there: and for myself, Sir, it is with the greatest deference and humility that I presume to offer any thing of mine, in conjunction with such great names and abilities. I can only plead the sincerity of my intentions, as an apology for my presumption. All our plans tend to one centre, and to one point of reconciliation, to save the effusion of blood between those who ought to be reciprocally good and useful friends. If the noble lord has any secret feelings of relenting, as many of his friends, and many more who would be his friends, most sincerely wish, let him stand out, and do justice to his own feelings. His country calls upon him, not to give way to sanguinary and impatient councils, contrary to his own better judgment. This is the decisive hour; the fate of Great Britain and America are depending.

The eyes of all this country, and America too, are turned towards the noble lord, as the ostensible and responsible minister, to receive his final determination, as to the measures which are to decide the safety or ruin of this empire. The ways of peace are still before him. If war is to be the measure with America, let him consider, that it is not a majority of this

House

House that can conquer America. The support of reason and justice to his measures will stand him better in stead, than the noisy tumult of a majority; in which majority, there may be lurking treacherous counsellors, and pretended friends, secretly urging him to his ruin, even against his own judgment. The important responsibility is out of measure. When the debates and measures of this year are transmitted to America, they may, perhaps, tell the noble lord, Had you pursued a plan of equity and justice, all had been peace. At home, one plan of conciliation has already been proposed, for which the city of London, foreseeing the certain ruin of other measures, has given thanks to its great and noble author, as an earnest for the rest of the kingdom. If Great Britain and America should come to one mind of peace, they may unite to crush those men who keep them asunder.

He moved, That an humble address be presented to his Majesty, that he will be graciously pleased to give orders, that letters of requisition be written to the several provinces of his Majesty's colonies and plantations in America, to make provision for the purposes of defending, protecting and securing the said colonies and plantations; and that his Majesty will be pleased to order all such addresses as he shall receive, in answer to the aforesaid letters of requisition, to be laid before this House.

Sir *Cecil Wray* seconded the motion; he declared, he did it as it recurred to a system which had been in use before the present troubles had begun, viz. before the unfortunate passing of the stamp act, and wished all the rest of our disputes could also be put on the same foundation. He observed, in respect to the right of taxation, that the Parliament of Britain had no right to tax those it did not represent; that representation had originally been for the sole purpose of taxation, and that it was only by chance, and an usurpation by the people from the crown, that the representatives had acquired the rights of legislation. This appeared from our ancient Parliaments; in which, after the Parliament had granted taxes, they applied by petition to the Crown, to remedy certain grievances, which the Crown sometimes did, by making an ordinance for that purpose; and that even in the most despotic German governments, the prince could not, at this day, impose internal taxes, without the approbation of the states, or representatives of the people.

That even if Parliament had the right to tax America, he should be against using that power; as in that case justice would demand, that we should give to America an equal power

power of paying taxes; that that could only be done by opening the trade of the whole world to America, in common with Britain; a measure which no one could wish to see adopted, as it would then be at the expence of the latter, and a very considerable defalcation ensue in its power of then paying the taxes it now does. That Britain, in his opinion, contrary to that of most gentlemen, was at present low taxed in comparison either of the neighbouring nations, or of what it was at the period before the commencement of the national debts. That the quantum of taxes are not to be estimated by the sum of money raised, but by the proportion such sum bears to the ability of the persons taxed: for instance, if a farmer who, at the last mentioned æra, paid 100l. a year rent, and now is enabled to raise 300l. more than the sum he could then, by the increased price of his goods, he cannot be said to have his rent raised, but rather lowered, if his landlord makes him pay 200l. rent instead of one.

He next observed how impolitic it was to undervalue the courage of those we were to engage with; mentioned the high spirit shewn by the people of Genoa, in driving out the veteran Germans, when raised by enthusiastic valour. He observed too, that perhaps the character given of the Americans was as true of our own common people; that in all conflicts between them and the military, a very few musquets from a few red coats, had always dispelled the most mutinous; at the same time mentioned, that the cause of this was the total disuse of arms; for those very people, when once disciplined, became the best of soldiers.

He then observed, that in his opinion the sole power this country ought to have over the colonies, which was of necessity, not of right, vested in the British Parliament for the good of the whole, should only be exerted in saying what the colonists should *not* do, not what they *should* do; that in particular, it was requisite for Parliament to have a watchful eye on the navigation act, and on all others which regulated the external commerce of all parts of our dominions, as on those, and on our trade, depended the sole power of paying our taxes.

Lord North. Lord North opposed the motion; he entered into the reasons for which the present measures had been adopted; and that it could not, in the present state of affairs betwixt us and the colonies, be consistent with our dignity in the least to recede. Said, that the propositions made to Parliament against the measures adopted by the House, were very different from one another, and therefore inconsistent. Lord

Chatham's

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Chatham's, Mr. Burke's, and the present; and that Parliament having adopted *his own*, which was more consistent with the dignity and superiority claimed by Britain over her colonies, it would now be very unparliamentary to adopt new measures, which would in effect overturn it; objected to royal requisitions, as projected by Mr. Hartley, as he could not see the difference betwixt such a requisition and the demand by Charles I. of ship-money; as it was the same thing whether we asked for ships, or money to build ships.

He observed, that if we adopted this proposal, it would not bring us back to the state we were in before the stamp act passed; nor could the idea of the gentleman, who seconded the motion, of Parliament's having a right to say what *the colonies should not do*, take place, without the consent of the colonies; as in the instance of burning the tea, assaulting the magistracy, destroying the King's stores, and other acts of violence the colonies had lately been guilty of, which they would say they had a right to do, notwithstanding our prohibition of them.

Sir Cecil Wray, in explanation, said, he did not mean nor expect that this measure would bring us back to the state we were in with the colonies before the stamp act; but approved of the measure, as being similar to those in practice before the passing the stamp act; and that as to the prohibitory acts, he did not mean such as the noble lord had mentioned, which were only acts of self-defence against the execution of unjust tyrannical laws, but regulations of external trade and things of that nature, which, for the good of the whole, it was the duty of Parliament to regulate.

Right Hon. T. Townshend observed, that though the present measures were adopted by a large majority in Parliament, yet, if they did not succeed, the noble lord would find himself responsible; that it had frequently been said, that the disturbances in America arose from the advice and speeches made in England; that this he would call a calumny, unless some gentleman would get up and avow this doctrine, and produce convincing proofs that this was so.

Lord William Campbell answered, that he had said so in debate, and he had a right to do so; he had letters in his pocket proving it, but that the papers on the table were sufficient to convince every gentleman of it, without applying to private proofs.

Mr. Lyttelton observed, that the quarrel which brought on the late war was not for a quantity of derelict land in America, but that the French had endeavoured, by their encroachments,

ments, to obtain another port on the sea coast, Quebec being shut up by the ice for many months in the year, and Louisiana by no means a flourishing colony; that this port and communication would have been by the river St. John; that therefore the war must be considered as an American war.

Sir George Savile.

Sir George Savile, in answer to Lord North, shewed, that the three different propositions [Lord Chatham's, Mr. Burke's, and the present] had been made at different times; that when one could not be obtained, a second (something different, according to the rule of Parliament) and now a third, again differing, were made; that this did not shew a difference of measures, but only a desire of obtaining something in favour of ourselves and the colonies.

He expressed his surprize that the noble lord should liken requisitions of this nature to ship-money; that the dispute in the latter case was not the demand, but the manner of enforcing that demand under the sanction of law.

Mr. Vyner.

Mr. Vyner was surprized at two assertions of the gentleman who seconded the motion; the first, that Britain was not high taxed: he did not know what could be called so, if the present state was not. Did we not pay three shillings in the pound? Was not every article of life taxed? As to the second, viz, the cowardice of the people of England, that too he utterly denied; that they were, indeed, inferior to regular troops, but that these troops were Englishmen, and as brave as any in the world.

Mr. Tuffnel.

Mr. Tuffnel attempted to shew, that the war, though begun in America, was the plan of the French minister, but that he did not mean it should have taken place so soon as it did.

No division.

Mr. Hartley.

Mr. Hartley also made the three following motions, 1. That leave be given to bring in a bill to suspend, for the term of three years, the force and execution of an act, passed in the last session of Parliament, entitled, "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares or merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in New England."

It passed in the negative.

2. That leave be given to bring in a bill to suspend, for the term of two years, an act passed in the last session of Parliament, entitled, "An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law; or, for the suppression

of riots or tumults in the province of Massachusetts Bay, in New England.

It passed in the negative.

3. That leave be given to bring in a bill to suspend, for the term of three years, an act passed in the last session of Parliament, entitled, "An act for the better regulating the government of the province of Massachusetts Bay, in New England.

It passed in the negative.

Sir *George Savile* moved the House to go into a committee, Sir *George Savile*. to consider of the evils arising from the circulation in payment of notes of small value. Two witnesses were examined, and several of the notes were produced, some of them so low as a shilling or eighteen pence. This evil seemed to be confined to certain trading parts in Yorkshire; where, as far as such petty transactions can operate, this new mode of sharpening has been productive of the most iniquitous consequences. A bill was accordingly ordered to be brought in on the facts stated, to correct the evil complained of.

March 28.

Private business.

March 29.

Motion made for the second reading of the bill for incapacitating 188 voters of the borough of Hindon; and another motion was made, that Thomas Spence, one of the persons therein included by name, should be called in; and after some debate, it was agreed to; he proceeded to give evidence directly controverting that of one of the Witnesses before the committee, on whose testimony a great number of the persons meant to be disfranchised were presumed to be guilty of bribery. He was ordered to withdraw; which produced another debate on two points. The friends of the bill first contended, that as a *Particeps Criminis*, he was not a competent witness, as he must be interested in the event; secondly, that as his testimony went to charge another person with wilful perjury, that person should be present in order to defend himself against the accusation; and to have his evidence before the committee read to him. After a long altercation, it was agreed that Spence's name should be erased out of the bill, in order to render his evidence admissible. They were just proceeding to examine him, when the friends of the bill, returning to their former ground, insisted that the witnesses should not give evidence to any point which might impeach the testimony of the before-mentioned absent witness; and a motion being accordingly framed, stating the part of the evidence

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Spence

Spence should be examined to, the question was put, and the house divided, Ayes 120, Noes 108.

Spence was called again to the bar, but before he proceeded, he desired to know whether he had been charged in the report with being an agent, or as a person receiving a bribe? and no answer being given, he was desired to proceed. He replied, he had nothing more to say; but that he was ready to answer any question that might be put to him, on which he was ordered to withdraw.

The debate recommenced, and several propositions were made relative to the mode of examining the witness; but they were all overruled.

The principal speakers against the bill, and for the examination of Spence, were Lord North, Mr. Dundas, Solicitor for Scotland, Mr. Wedderburne, Colonel Onslow, Mr. Thurloe, Mr. Fox, Mr. Rigby, Sir Cecil Wray, and Mr. Dunning. In favour of the bill, Mr. Dundas, Chairman of the Committee, Mr. George, Mr. J. and Mr. Rich. Grenville, Mr. T. Townshend, Sir Geo. Savile, Lord John Cavendish, Mr. Aubrey, Mr. Goring, Mr. Byng, and almost every gentleman who served on the committee. The arguments chiefly made use of by the opposers of the bill were, that the testimony of the bill proceeded, respecting great numbers of those persons supposed to be convicted of bribery, was contradictory, and not deserving of credit; that it was therefore cruel and unjust to involve the innocent and guilty in one common punishment; that the bribers were much more criminal than the bribed; that reversing this proposition, the bill went to punish the latter in the most exemplary manner, while its friends were contented to let the great offenders escape with the like general censure of a resolution, which they did not regard; and, that on the whole, the intended punishment was totally inadequate to the purposes for which it was pretended to be inflicted, that of deterring the taking of bribes, and preventing of corruption; for as no man who wished to come into parliament by such means, had any thing to fear, so on the other hand, much the greater part of those who were induced to sell their voices, would, from their poverty and distress, be always ready to hazard the loss of, nay, to give up their franchises, for present emolument. To this it was replied, that the present bill, though it could not be expected to operate to the full extent they wished, would nevertheless have a very powerful effect upon every person not in the circumstances now described, and probably upon many of them too; that it did not preclude the House from inflict-

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ing the punishment so much desired on the other side; that they had reason to believe the affected moderation towards one set of men, and severity towards the other, was only meant to defeat all censure or punishment, whatever; that if the gentlemen meant to be serious and sincere, they were willing to adopt any plan, and to co-operate in the execution of it, which would bring the matter clearly home to the great offenders; that it was a thing unknown in the course of parliamentary, or any species of judicial proceedings, to permit a person charged with a criminal offence, to not only exculpate himself, but recriminate on his accuser; and, that allowing it should be right to admit Spence the witness to recriminate on his accuser, it would be to the highest degree unparliamentary, irregular, and unjust, to suffer him to accuse another of a criminal offence, who was absent, and not in a situation to defend himself, by which he might be liable to be convicted of one of the highest crimes defined by our law, that of wilful and corrupt perjury.

The bill was read a second time, and committed.

March 30.

Lord *North* moved to receive the report of the amendments Lord *North*. made in the committee to the bill for restraining the commerce of the colonies of New Jersey, Pensylvania, Maryland, Virginia, and South-Carolina.

Honourable *John Luttrell*. It is with reluctance I trouble Hon. *John Luttrell*. the House for a single moment, when I consider how far I have trespassed upon their time and indulgence in the course of former debates. But, Sir, I am induced to offer a few observations upon the imperfections of the bill before you, that we may not too hastily adopt an opinion which has been frequently held forth to us by the friends of administration, that, provided our trade from Great Britain and Ireland should increase, though that of America do suffer, you will have a greater number of seaman. Sir, I will endeavour to be as concise as possible in delivering my sentiments upon this bill; I will try to improve upon the hint given by an honourable member yesterday, by speaking more immediately than he did to the subject matter of debate before you. Sir, it has been said, in support of the assertion I have alluded to, (and truly too as to the present hour) that very few American seamen return in English vessels from that coast. I think it a very fortunate circumstance that they do not, because we have no employment for them, and they therefore must become a burthen to this country. But I will appeal to my naval friends on the

the other side the House, whose knowledge of maritime concerns is very extensive, if American seamen are not always impressed in every part of the world to man the King's ships whenever the service requires men? I am sure the books of the Northumberland, Sterling Castle, Southerland, Success, Lizard, and many other ships stationed upon the coasts of *either* America, in the course of the last war, will furnish us with very long lists of them; but they have hitherto been so intermixed with the seamen of this country, and always considered (as I hope they ever will be) equally valuable, and as one and the same people, that I believe it never yet occurred to the commanding officer of any squadron employed in times of war, either in the West Indies, America, or elsewhere, to make a particular enquiry into their numbers; the idea would have been accounted as unnecessary and strange as the distinction is new, ridiculous and dangerous. But, Sir, I have ever considered America to be a great nursery, where seamen are raised, trained, and maintained in times of peace to serve this country in times of war, and though I shall readily admit, from the distance of their shores, that you cannot lay hands upon them the first half hour of an armament, yet am I persuaded that you may be possessed of some thousands within the time usually prescribed for the return of English seamen from foreign services. As I am up, Sir, I would wish to say a word or two upon that of the bill which principally relates to the commanders of his Majesty's ships of war, employed for what the bill stiles the protection, but would be much more properly termed the destruction of the trade, and it may possibly not be found quite so easy in practice as to some people it appears in theory, either to seize these vessels, or to discover false clearances or certificates. There are those that hear me, who perfectly well remember the variety of dextrious tricks that were practised in the course of the late war, by almost every nation, with respect to false clearances and certificates. The difficulties attending the detection, and the uncertainty of the event. There are those in America who bear in memory the shameful decisions respecting Monto Cristo men. They will be aware that though the vessels be condemned, and shared in America, they must be liable to appeals at home, and perhaps be obliged to refund, when the seamen have spent the money, and the captain (as has been the case) is made answerable for the whole. I have no doubt but the Americans, by being put into the calamitous situation they are, and feeling the oppression and tyranny of the mother country,

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will endeavour to carry on a trade at the risque of the fine imposed under this act of Parliament; but there are few sea officers who, after a long peace, will find money to throw away upon such ungracious prosecutions; nor do I believe that they will wish to prosecute their fellow subjects in a manner which may appear to them (as I am sure it does to me) to be arbitrary and unconstitutional; besides we have been too roughly handled by the civil law courts, to wish to have many dealings with them. Sir, on the score of seizure I shall revert to my former arguments, that the King's ships cannot keep the seas in safety, in the northern parts of the coasts of America, for more than half the year. Whenever they can cruize, the Americans will have the advantages, that perfect knowledge of the shoals, soundings, rocks, creeks, and places of shelter can afford them; by which means they must frequently escape your most vigilant researches: besides it is not a very pleasant service for an officer to risque the King's ships upon a lee shore, with which he is totally unacquainted, not in pursuit of an enemy, but to destroy a friend. Upon the whole, Sir, I do consider this bill to be somewhat less cruel than that which is meant to demolish the New England provinces by famine; in every other respect I hold it to be equally mischievous. It is with real concern I see humanity and sound policy giving way to that hated revenge which involves indiscriminately the innocent with the guilty. By this oppressive act you will certainly extend the unhappy differences which already but too generally prevail in America, to every province; nay I fear I may say to almost every individual upon that vast continent: therefore, I protest against the measure. I never will give my consent to such a proceeding; it is neither politic, just, nor humane. There is no utility appearing upon the face of the bill, nor the least probability that you will ever be able to carry such coercive measures effectually into execution.

Hon. *Temple Luttrell*. It is but too visible, from the rash measures pursued by the ministers of your government here in England, and from the temper and situation of your American colonies, that a civil war will be inevitable. Hon. *Temple Luttrell*

Gentlemen on the other side of the House have always held as a favourite proposition, that protection and obedience are reciprocal duties; and of course, that the withdrawing of the one discharges the other. Now, Sir, by these bills you are withdrawing your protection to some purpose; I therefore presume your colonies are no longer to be treated as rebels, but, whatsoever may be the hazard of battle, will be entitled to the same

same military honours, to the same acts of clemency and of grace that are usually practised, according to the modern system of war, by every civilized nation in the world. You have a striking example of such rule of conduct from ancient time, in the most flagrant and sanguinary of all the wars the Romans ever waged: I mean, the war against their own countrymen, commonly called the *social war*; a war that, in many of its circumstances, bears so close a resemblance to the present unhappy æra in our history, that I cannot help asking leave of the House to say a few words upon it. The passions of mankind, in the aggregate, are, throughout all ages, nearly alike; and the same probable events may, in future, be looked for from those causes to which they have heretofore been found incidental.

Several confederate Italian provinces (to whose courage and industry the Roman republic, in a great measure, owed her meridian splendor) despairing to obtain, by fair means, those privileges to which they had every reasonable claim, took up arms; they founded a new capital; they constituted a senate to themselves, and they chose consuls. The mass of the people of Rome, who stedfastly maintained those principles, which are the genuine principles of British Whiggism, *a devotion to rational liberty, and a spirit of resistance to all exorbitant power wheresoever lodged*, called aloud for vengeance on their ministers and patricians, to whose iniquity they ascribed every impending evil. Sir, a resolute tribune (and I hope a worthy chief magistrate of this metropolis will now take the hint) did impeach the ostensible contrivers and managers of so unnatural a war. And recollect, Sir, how it ended: the Roman senate, though aided by their old enemies the Gauls, and by some scattered factions in the heart of the revolted country, whose patriotism, like that of certain New-Yorkists, was not quite proof against state artifices and venality. I say, Sir, the Roman senate was at length compelled to cede, with a very bad grace, those terms which ought at first, in justice, to have been accorded by amicable compact. During this civil conflict was spilt the best blood of Rome: in less than three years, near three hundred thousand persons fell in the field of combat. But there was a still more fatal consequence; for it was in this school that Marius, Sylla, and other aspiring leaders, learned their first rudiments of despotism, and familiarised themselves to the massacre of their fellow subjects. That sword which was unsheathed by order of the Roman senate, and under the authority of the Roman people, to deprive of the dearest rights of human nature, their allies,

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their associates, and brethren, was not returned into its scabbard till Rome herself had, at her inmost vitals, felt the sharpness of its edge. The generals employed on that occasion were many of them men of heroic sentiments, of humane dispositions; they might have sat for the amiable portraits which a very skilful colonist here drew of the three officers chosen to undertake a similar task on the American continent; they too talked of reluctance, they talked of compassion and universal philanthropy; at the very hour of encounter they announced themselves, *necessitate hostes, voluntate hospites*. Yet, Sir, these very men, once familiarised to domestic slaughter, and to military sway, could not prevail upon themselves to stop, till they had subverted the constitution, and totally annihilated the liberties of the whole commonwealth. In short, by this war the Romans were irrecoverably undone. Hence the perpetual dictatorship; hence the succeeding triumvirs; and at length, the throne and tyranny of Cæsar. Sir, I contend, that this our *social* war (like the war I have been speaking of) is founded on a laudable resistance to the despotism of administration, sustained by a parliamentary majority, rather than any defection in the Americans at heart from the mother country. The generous natives of England thirst not after an unjust dominion, neither can they look with an eye of malignant jealousy on their kindred colonists, who, scarce a century ago, drew, in common with them, one parental breath. Jealousy is too mean a vice to grow in a soil with such exalted virtues as distinguish a Briton: he seeks not the palm of victory earned at so dear a cost as by the destruction or abject servitude of millions of his fellow subjects—that too for upholding principles which he himself sanctimoniously reveres.

The first duty of a good citizen is to the public; and to assert, that the supreme sovereignty, as to the fundamentals of our constitution, be vested in any form of government whatever, or elsewhere, than with the society at a large, is a traitorous doctrine, not merely against the Americans, but against our own immediate constituents here at home. The same allegiance that every private individual owes to the estates of the British monarchy, legally established, do those very estates owe to the community in general, which hath always reserved to itself, and asserted, certain original rights of mankind, that it would be rebellion, it would be sacrilege in us to violate. One of these rights (and one of the most essential) is, that every, the minutest of the component parts

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of this great empire, shall be free from dissension of property, unless under a direct or effective representation in parliament.

To force a tax upon your colonists, unrepresented, and universally dissentient, is acting in no better capacity than that of a banditti of robbers. Can our folly and our vanity lead us to flatter ourselves, that they will be taught by our armaments or commercial interdicts, to own for their liege lord and tax-master, the possessor of a poor solitary sheep-cote on Salisbury plain? Or that (eccentric as they are with respect to this our distant and circumscribed sphere of the British isles) they will still continue to be cajoled by the absurd, empty plea of *virtual* representation? Sir, that word *virtual* must contain in it more mystic power than the sacred archetype on Aaron's breast-plate, before it can be made to work an effect so contradictory to reason and common sense. The advocates for the coercion of America, who have frequent recourse to your written statutes, and who support their arguments as to the *letter* of the law, from Selden, Lord Coke, and other high prerogative authorities, would do well calmly and seriously to consider of a passage in Montesquieu's divine *spirit* of laws. I allude, Sir, to a part of his comment on the triumph of the people of Old Spain over the idolatrous Mexicans; neither will it be necessary for me to point out to the House where the precise analogy lies between the first invaders of that southern continent, and our modern law makers of the north. "Free men (says he) they made slaves, when they made slaves free: instead of giving them the religion of peace, they inculcated on their minds a more outrageous superstition: it were impossible for me to enumerate all the *good* things they might have done; it were impossible for me to enumerate all the *bad* things which they actually did. The end of conquest is this; it leaves upon their victors (though marshalled in the best licenced cause) an immense arrear of debt to be paid off to human nature." Impious as it may seem to arraign the dispensations of Providence, I can but lament, that destiny had placed this *fanciful* Montesquieu (as he is called by our celebrated pensioned essayist) [Johnson] in the presidency of a foreign parliament; the individual members of which, ever occupied in *sacrificing to the graces!* imperceptibly and totally lost their public constitution and liberty. Had, Sir, his lot been cast in this assembly to-day, what might not so good a man, with his capacity and powers of inspiration,

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inspiration, have effected? He might have staid the uplifted hand of ravage and oppression; and, tho' given us too late to prevent Great Britain from madly opening her own veins, he might perhaps have been the means of administering some timely remedy that should save her from bleeding to death. But, indeed, after the reception which a very respectable member [Mr. Burke] here met with some evenings ago, who pleaded the cause of justice and humanity, with an almost supernatural force of reasoning and with every charm of eloquence, we might even despair of working the necessary reformation in this House, though an angel from heaven, with the full attributes of his beatitude, should descend among us.

There was a parliament in the reign of Henry VI. which, on account of the severity of his judgments and proscriptions against certain partizans of the York family, has gained in our annals the honourable distinction of *parliamentum diabolicum*. Now, Sir, by passing such acts as these are, shall not we lay in a just claim to be transmitted down to posterity, if possible, under a still more infernal appellation?

I am for rejecting the bill with the deepest marks of penitence in us, for having proceeded in it thus far, and with every term of ignominy and abhorrence with respect to the wicked principle on which this, and its fellow edict for butchery and famine (the fishery bill) are grounded.

Lord North made a short reply; defending the bill on the former ground of necessity. He offered a clause to extend the bill to the counties of Newcastle, Kent, and Sussex, on Delaware. "That during the continuance of this act, no goods shall be shipped from the counties of Newcastle, Kent, and Sussex, on Delaware, but to the places therein before mentioned. A few observations were made on this extraordinary motion; which it was said was unprecedented and unknown in the annals of Parliament, that of condemning people unheard, nay even without enquiry. It was answered generally, That the House was in possession of information sufficient to warrant the insertion of the clause; that the papers lying on the table contained that information; and that any gentleman who doubted that the inhabitants of those counties deserved no exclusive favour, or particular indulgence, had need only to peruse the papers laid before the House to be convinced. The clause, with other amendments, being read a second time, were agreed to; and the bill was ordered to be engrossed.

Lord North laid before the House, by his Majesty's command, the following letters.

Extract of a Letter from the Honourable Governor Gage to the Earl of Dartmouth, dated Boston, 17th Feb. 1775.

I AM honoured with your lordship's dispatch of the 10th of December, No. 13; as also of your lordship's circular letter of same date, inclosing copies of his Majesty's most gracious speech to both Houses of Parliament, with the addresses of the Lord and Commons thereupon.

The firm resolution expressed in his Majesty's speech to maintain the the authority of the supreme legislature, over all parts of the empire, and the assurances given by the new Parliament to support his Majesty's measures, in which the demagogues here flattered themselves to find abettors and defenders of their conduct, has cast a damp upon the faction; but they still entertain hopes, that the resolves of their continental congress will work in their favour.

Your lordship will be told of the late instance of loyalty in the New York assembly, which has had very good effects, and we are told that they are changing their sentiments at Philadelphia. The fury into which people were thrown, and which spread like an infection from town to town, and from province to province, is hardly to be paralleled, where no oppression was actually felt, but they were stirred up by every means that art could invent. They were made to believe, that their religion was in danger, their lands to be taxed, and that the troops were sent to enforce the measures, and wantonly to massacre the inhabitants. People well disposed, caught the popular fever; and when it raged at the highest, the delegates were chosen for the continental congress: so that, as we are told, the greatest incendiaries in most provinces were elected. It required temperate management, and much pains, to undeceive the people, who are more moderate in general, though numbers still hold their first prejudices.

If this provincial congress is not to be deemed a rebellious meeting, surely some of their resolves are rebellious, though they affect not to order, but only to *recommend* measures to the people; which measures I have learnt, from the emissaries I have sent through the country, have not been regarded as to the raising of money, tho' they have been training men in several townships, as they could get them in the humour to assemble. This new-elected congress met on the 1st inst. and I transmit your lordship some of the resolves. I am just informed, that they have adjourned themselves.

Nothing can be attempted here till the reception that the proceedings of their great congress meets with in England, is known. The sending a detachment to Marshfield has had a good effect in that quarter of the country, and I hope will encourage

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encourage other places, where oppression is felt, to make applications of the same nature.

In PROVINCIAL CONGRESS, Cambridge, Feb. 15, 1775.

Whereas it appears to this congress, from the present disposition of the British ministry and parliament, that there is real cause to fear, that the reasonable and just applications of this continent to Great Britain for *peace, liberty, and safety*, will not meet with a favourable reception; but on the contrary, from the large reinforcement of troops expected in this colony, the tenor of intelligence from Great Britain, and general appearances, we have reason to apprehend, that the sudden destruction of this colony in particular is intended, for refusing, with the other American colonies, tamely to submit to the most ignominious slavery.

Therefore resolved, That the great law of self-preservation calls upon the inhabitants of this colony immediately to prepare against every attempt that may be made to attack them by surprize; and it is upon serious deliberation most earnestly recommended to the militia in general, as well as the detached part of it in minute men, that they spare neither time, pains, nor expence, at so critical a juncture, in perfecting themselves forthwith in military discipline; and that skilful instructors be provided for those companies which are not already provided therewith.

And it is recommended to the towns and districts in this colony, That they encourage such persons as are skilled in the manufactory of fire-arms and bayonets diligently to apply themselves thereto, for supplying such of the inhabitants as shall be deficient.

And for the encouragement of American manufacturers of fire-arms and bayonets, it is further resolved, That this congress will give the preference to, and purchase from them, so many effective arms and bayonets as can be delivered in a reasonable time upon notice given to this congress, at its next session.

Signed by order of the provincial congress,

JOHN HANCOCK, *President.*

A true extract from the minutes.

BENJAMIN LINCOLN, *Secretary.*

Adjourned to the 22d day of March next.

Extract of a Letter from Governor Gage to the Earl of Dartmouth, dated Boston, 20th Feb. 1775.

I HAVE tried to get intelligence if they had presumed to usurp the government entirely, and chuse a governor, and am informed, that the measure was talked of, but could not be carried. Some people from Connecticut, termed a

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committee

committee, and amongst them the governor's son, came to the congress just after adjournment, which caused much speculation, and of course many reports. Some say, their business was to offer an aid of men; others, to inform them of the contents of a letter the governor of that colony had received from your lordship; but I can only yet discover, that it was a visit of curiosity.

March 31.

Motion for the second reading of the bill for erecting a house of industry, and for the better employment of the poor within the hundreds of Midford and Long-Ditch, in the county of Norfolk, was made; and counsel being called for, Mr. Harding was heard against the bill; he examined two witnesses.

The evidence of the first witness went to prove, that those two hundreds meant to be incorporated by the bill, consist of fifty-one parishes or townships, that he had visited forty-six of the parish or work-houses for maintaining the poor, and had found them all in very good order, in respect of diet, bedding, air, usage, and general regulation; that he had spoke to the poor at every one of the places he visited, and had found them universally well satisfied with their present situation, but unanimously declared their fears and abhorrence of the proposed scheme of an house of industry, or general workhouse. He gave likewise an account of three several meetings of the land-owners and occupiers within the districts meant to be incorporated; at the last of which, on the 24th of November, it was almost unanimously agreed to drop the present bill. His testimony was confirmed by another witness, who performed such another visitation, and was present at the meeting of the 24th of November.

Mr. Macdonald, counsel for the bill, was heard in answer, and called two witnesses, one to controvert the facts asserted by the evidence on the other side, and the other, to shew the utility of such a plan, from the effects a similar one has had in the same county.

The first witness said, he had visited twenty out of the fifty-one parishes, and had in general found the poor very badly lodged, fed, and taken care of. In some places four in a bed, in others living on turneps, in one or two places eat up with filth and vermin, and in general, well pleased with the proposed plan, unless where prejudiced against it by misrepresentations of the first of the two foregoing witnesses. He said he was at the meeting, where he owned there were some gentlemen and land-occupiers, but much the greater part was composed of paupers, farmers, and livery servants, who behaved in a most indecent, riotous, threatening manner, and

and insisted, that it was not agreed to give up the proposed bill, nor was there any question regularly put, or carried for that purpose.

The other witness was a gentleman of fortune, a director of a house of industry established in the same county about eight years since. He said the parishes incorporated were forty-eight; that the poor consisted on an average of about 330 persons, the annual rates of 3080*l.* that their work produced about 300*l.* per annum, which was nearly the sum distributed to relieve the out-poor; that they had borrowed, to carry the scheme into execution, the sum of 12,000*l.* 3000*l.* of which had been already paid off; that they were certainly confined, not having liberty to go out, but by a written order given by the governor, and approved of by the committee. He further confessed, that the punishments were the stocks, confinement, restraint of diet, and in some instances, actual correction. That the poor were at first much displeased; that they pulled down the house of industry, which it cost 500*l.* to repair; and that on the whole, the only real objection made to the house over which he presides as a director, is the aversion the poor express to being confined.—Mr. Harding replied, and the question of commitment being put, a short debate ensued; the House divided. Ayes 60, Noes 12. The speakers for the bill were Sir Edward Astley, Mr. Milles, and Mr. Wollaston; against it, Sir Harbord Harbord, Mr. Whitworth, and Mr. T. Townshend.

Adjourned to April 3.

April 3.

Lord *Folkestone* moved, “that the reservation contained in Lord *Folkestone* the last charter granted to the borough of Saltash, and expressed in these words, *which Mayor, as well present, as future, for neglect or default, or any other reasonable cause, we will shall be removable by us, our heirs, and successors,*” is unconstitutional, as it tends to restrain the freedom of elections, and of returns of members to serve in parliament for the said borough, and establishes a precedent dangerous to the commons of Great Britain, and to the public liberty of the realm.” His lordship, in a very long and able speech, pointed out the manifold dangers which might result from the interference of the crown in such boroughs as send representatives to Parliament. He shewed, that the charter in question gave to the crown a power of removing the mayor at pleasure; that that mayor was 1. an acting magistrate for the borough, *ex officio*, consequently, that his being removable at pleasure, was a circumstance incompatible with the principles of justice. 2. That his consent was necessary for filling up the body, consequently the crown had indirectly a subsisting influence in

in those elections, which manifestly tended to the influencing parliamentary elections. But 3dly, and chiefly, that he was the returning officer for the borough, consequently that it was not to be imagined but that he would be removed at the eve of an election, if he was not in the interest of the minister, and that, by getting another more favourable in his place, the minister would be sure of the return. He compared the ends of the clause with the judicial sentence of despotic power, *sic volo, sic jubeo stat pro ratione voluntas*.—He said that the exclusion of pensioners from the House, was a proof that men *felt*, that a person under influence or the bias of interest would not be independent.—He said, that in part the members for Saltash must be the *minister's nominees* in future times, though the independency of the present members [Sir Charles Whitworth, and Grey Cooper, Esq;] might seem to take off the weight of this argument, as at least it prevented the application of that term with propriety at present; that burgage tenure boroughs had been often complained of as the bane of this constitution, but the mischief resulting from them was not to be compared with that of such boroughs as Saltash, for though the elections in the former case were reduced to a few hands, yet they were the hands of the people, whereas, this was putting elections into those of the King, and consequently confounding the component parts of the legislature. He admitted that the model of the charter was not new; for that it was taken from one of Charles II's in the year 1683, a time so inauspicious to liberty of all kinds, that he never could have believed modern times would have quoted such a one as a precedent, much less as a justification. He expatiated very fully on the attempts of two monarchs of the house of Stuart, who finding all other attempts prove unsuccessful, had at length recourse to the garbling of corporations, and granting new charters, as the only certain means of undermining, and in time, totally destroying the constitution. He quoted Sir George Treby and Sir John Dalrymple as authorities to prove the *intention*; the bishop of London-derry, Dr. King, to *ascertain the effects* of such charters. He said, that defending this charter because it is the same as Charles II's, was an argument like what *pudoris causa* had not been attempted, but with equal reason might have been in the late Granada cause, when depending on prerogative to raise money by proclamation, they might have said Charles I. *levied ship-money by prerogative*, and he observed as a remarkable circumstance, that in the last century an innovation upon the subjects right of raising public money, and of chusing their own representatives, were indeed both attempted, but they were in different reigns, when neither attempt had been previously

viously condemned by Parliament. He said it would have been ridiculous perhaps last year to have complained of Charles II's charter; is it improper to complain when it is renewed?—the illegal clause must be inserted by accident, or design—if the latter, the law officers adopt its illegality, and make it their own. They must allow, its being a mere copy of Charles's does not make it legal; and if it does not, they must either contend, that Charles had no intentions of destroying the liberties of this country in his modelling of corporations, or that in the instance of Saltash he deviated from that plan; or they must admit that he had such a plan; that the Saltash charter was part of that plan, and consequently, that it had the objection imputed to the new charter, which is a copy of it. He said, the clause in question was not in the charter previous to 1683, and that therefore those who were, upon principle, friends of the constitution, and of the royal family on the throne, had great cause to complain that, as that king had made a change so hurtful to liberty, the advisers of his present Majesty would not make an alteration, if it was only to counteract the mischiefs of their predecessors. He quoted Lord Mansfield that such reservation was unnecessary, and so justified his apprehension, that being needful to a good purpose, it was designed for some bad one.

Mr. *Powys* seconded the motion, with an apology for his taking up a matter so intricate and difficult as the construction of charters; but said, that as the present spoke not the abstruse doctrines of law, but plain English, intelligible to the meanest understanding, he would not resist the invitation of his noble friend to assist him in an enquiry of this nature. That he was sensible the learned gentlemen, who were almost parties in this business, and were particularly called upon to support a defensive side, were used in the course of their profession to quirks and subtleties, which might puzzle and perplex the unlearned, but their recollection that they were not advocates here, but members of parliament, ought, and he did not doubt would, induce them to use a more open and manly conduct—He said, the charter, as favourable to prerogative, they might think it their duty as servants of the crown to promote; but if it could ever be said, that it was any person's duty to extend the prerogative, he was sure it was the duty of this House to check and controul it. He took this opportunity of declaiming against the Stuarts, to express his abhorrence likewise of all those who were in the opposite extreme: and concluded with saying, the mover and himself might be called Quixotes in politics; but he feared no appellation, when he was contending for the exercise of the peculiar function of that House.

Attorney General.

The *Attorney General* began with lamenting, that he was not apprized sufficiently of the objections that might have been taken to the charter to be able immediately to defend every part of it, though he thought every part of it perfectly defensible. That with regard to the clause singled out for the animadversion of the House, (if in fact the noble lord was serious in his motion), he could not help being sorry that it was not hinted to him before; for he was firmly convinced, that half an hour's private conversation with him and the honourable gentleman who seconded him would have reconciled it to their minds. He said he always did, and always would, leave the lawyer in Westminster Hall, and be in that House a member of Parliament. He said, that as he controverted the premises of the noble lord's argument, he should have no occasion to take notice of those generous sentiments of liberty, which he seemed to entertain; that himself heartily went with him in those sentiments, and should be sorry to think any man in the kingdom more a friend to the revolution than himself. He said, the noble lord and his friend had gone upon an evident mistake, that the King, his heirs and successors are the king, &c. in their courts of justice; He quoted Dyer over and over again, that in legal interpretation *rex noscitur per judices non per se*; that no legal power can reside personally in the King. He pointed out an alteration that had been made in the new charter, the omission of a clause which in the old one directed that the removal should be by privy seal or sign manual; and contended that as Sir Robert Sawyer (whose character as a politician he set out of the case) was confessedly a learned man, that clause directing the means of removal was contrived by him merely because he knew the clause complained of would be of no effect without it, as contradictory to a fundamental maxim of the law, that the King cannot act in person.

Mr. Dunning.

Mr. Dunning replied, that he thought the House, and the nation at large, much obliged to the worthy member who had brought before them an enquiry at least so constitutional; that they had done him the favour to confer with him on their propriety of the motion; that from a slight consideration at that time, he was convinced they were strictly justified in their interpretations of this clause; that he had since more seriously considered it, and on the most mature deliberation was of the clearest opinion, that the interpretation given by them was the true and only one that could be put upon it; that as the attorney general of James II. had been quoted with some applause by his learned friend, who was at present in the same office, he was sincerely happy to hear laid out of the commendable part of his character, this activity to introduce

introduce arbitrary power; that if he agreed with him that Sir Robert Sawyer was a learned man, it must be admitted in return, he was too learned to insert a nugatory clause, such as he had contended the clause in question to be. He agreed in the position, that the King cannot act in his person, but insisted that the clause of the charter, contained in the motion, was meant to reserve or create that power; therefore the motion gives it the proper title, That it is unconstitutional. He observed, that it was said the other day, that the present charter was a transcript of the old: the words of the former charter are, *Ad bene placitum nostrum volumus esse amovibilem*; the words of the new, *We will, he shall be amoveable by us*. He insisted they meant the same thing, and that Sir Robert Sawyer, with all his learning, was a bad attorney general for James II. if he did not mean to make the mayor of Saltsash dependent on the will of the King. He insisted, that was the design of that King, and it was the design of Sir Robert Sawyer; and proved, from Mr. Hume, that it was actually the effect of charters given in support of their intentions. He defied the crown lawyers to point out the mode of trying *a reasonable cause* in a court of justice. *Quo warranto*, and proceedings by mandamus, are eluded and put out of fashion; and among all the writs, he never yet heard of one entitled, *pro majore amovendo*. He insisted, therefore, the present was a short summary way of removing an officer that might happen to be willing to think for himself, (a rare thing *at Saltsash*!) and introducing another more subservient to the mandate of the minister, and the views of the King.

Mr. Solicitor General answered, that by various causes it had become necessary to grant a new charter to this borough; that in this case, as in all others, he had strictly followed the rule he had laid down for himself, and he hoped with propriety, of confining the new grant to the terms of the old one; that otherwise they must have a great, and consequently a dangerous discretion; that in the present case, the only alteration he made was that already stated, of changing *ad bene placitum nostrum, &c.* to *by us, &c.*; and that was done merely from the bad aspect which the words *bene placitum nostrum* always carry; that the omission of the clause directing the removal to be by sign manual, was in a subsequent stage of the passing of the charter; for which, as his learned colleague and himself were not concerned in it, they assumed no merit. He insisted on the construction already given, that *regis voluntas noscitur tantum in curia*: that this House, coming to a resolution construing the present charter as illegal, might endanger that maxim, for it would be an inference fairly drawn, that the King, ex-

Mr. Solicitor
General.

pressly named, does not mean the King in his courts, if a resolution of this House should declare, that the meaning of the words *the King* does mean the King personally, as the motion intimates, and not in the construction already contended to be the construction of the law books.

Mr. Thomas
Townshend.

Mr. *Thomas Townshend* observed, that the point now touched was a very tender one ; and that in which the constitution was most vulnerable. He had heard, much to his surprize, those who opposed the attempts of the Stuarts, branded with epithets of turbulent, factious, and daring ; if one of the greatest grievances they complained of, was the garbling of corporations, he should not wonder if the learned gentlemen on the other side, were to apply the same epithets to these, who were for passing the present censure ; for the case before them, as far as it went, was certainly a case in point : but with whatever severity it might be fashionable to treat every man who disapproved of the garbling corporations, in the reigns of Charles and James the Second, luckily the revolution, the new constitution then formed, and all the great and justly revered names who had a hand in that glorious work, thought precisely with the noble lord who made the present motion. He then quoted a passage from Bishop Burnet, in which that historian gives an account of the dissolving old charters, and granting new ones ; observing, that the surest road to political consequence and court favour, was for great men to exert themselves in corporation matters. Granville, Earl of Bath, took this task upon himself, as to the boroughs in the West, and was so successful, as to persuade several of them to resign their charters, taking care to supply their places with officers of the guards, who in many instances were appointed the new corporators. He observed, that in one of the charters, now before the House, granted in 1683, Col. Granville, that earl's brother, afterwards Lord Lansdown, was appointed the *first recorder*. He did not doubt but the officers of the guards, who never saw Saltash, and were appointed under the charter of 1683, were full as fit persons to be chosen to fill up the corporation, as many appointed under the new one ; and that on the whole, the people without doors, however those within might affect to take it, were, in his opinion, very justly alarmed to behold the recent, repeated attempts made to bring corporations immediately under the power and direction of the crown. When he saw every gazette containing an account of a new charter granted to some borough or other the last summer, he began to suspect the designs of administration upon boroughs, and a speedy dissolution of Parliament, which he soon found to prove true. He mentioned particularly the granting a new charter to the borough of Abingdon.

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This brought up Mr. *Bayley*, who gave the House an account of the new charter granted to the borough of Abingdon, about a month or two before the dissolution of the last parliament, and which he said had brought as much disgrace upon those who had any hand in granting it, as any of those charters could which were granted in the reign of Charles the 2d, and he had not a doubt but there was as much a design *now* of altering the constitution of this kingdom, (though perhaps by slower, but in a more certain degree) as there was *then*; but he hoped in God such wicked and arbitrary designs would be again frustrated. This new charter puts it in the power of the corporation of Abingdon (which never consists of more than 27 persons) to return any member to Parliament, they pleased, and every body knows how much easier it is for government to influence 27 persons than so populous a town as this is, being the metropolis of Berkshire, and indeed the corporate body of this town is well known to be governed by their recorder Mr. Morton, who, holding several places under the crown, makes a merit of the service he has done it in advising the grant of this new charter.

Governor *Johnstone* adopted the last gentleman's ideas. Gov. *Johnstone*. He said, the immediate interference of the crown, independent of the official or judicial assistance and aid of those, whom the constitution had appointed to advise it, in all matters of this kind, had a very disagreeable aspect; that the principle itself was alarming; but it became much more so, when exercised just at the eve of a general election, because, what otherwise, though in itself wrong, might seem to be the effect of mere chance operating by incidental circumstances, now took the strongest appearance of a systematic design to answer election purposes. He said that the House ought to remember, that if Sir Robert Sawyer was a learned man, he was also a very wicked man; that he was the avowed and willing instrument of arbitrary power, and that the more learned he was allowed, there was the more occasion to suspect him. He said he was glad to hear of one certain rule laid down by the learned gentleman [Mr. Solicitor General] relative to the proper manner of granting new charters, which was that the new charter ought to be, to every material purpose, a transcript of the old; yet he was sorry to observe, that in the case of *Hellstone*, which lately happened to come under his consideration, that rule happened to be departed from; for the old charter vested the power of appointing burgesses in the mayor, aldermen, and commonalty, whereas the new one restrained that power to the mayor and aldermen only. With

this remarkable circumstance, that is the very ground upon which the old charter was vacated; yet is the very precise alteration adopted by the new charter. He instanced some other deviations, relative to a deputy recorder, &c. He then entered into general observations on the charters granted to Hellstone, Abington, and Saltash; and treated the principle which directed the several grants with severity.

Mr. Solicitor General.

Mr. Solicitor General said, he should always, as far as was in his power, abide by the rule before-mentioned of copying the old charter in the new grant; and that he and his colleague in office had observed it, in the one alluded to by the honourable member who spoke last. For there, though the old charter it was true, had been granted, and the right of admitting burgesses, had been given, to the mayor, aldermen, and commonalty of Hellstone; yet the usage had been directly contrary, from the reign of Queen Elizabeth, the time the charter was granted; besides, there is one general exception, which ought to be made, and which was actually the case at Hellstone, that is, when the persons to be incorporated, apply for the alteration. The alteration was at the express desire of the inhabitants. At Abingdon the alteration was only appointing five justices to act within the borough of Abingdon, which if it could operate to any purpose, must have been an improvement, according to the honourable gentleman's ideas, as five persons were not so likely to abuse their power as three.

Mr. Howard.

Mr. Howard said, the present charter was less exceptionable than the former; that the sting of Sir Robert Sawyer's attempt was extracted, and that therefore he disapproved the motion.

Mr. Fielde.

Mr. Fielde. The King can act only *in curia*, not *in camera*; therefore whatever were the intentions, the clause cannot have the effect apprehended by the mover of this question.

Lord Folkestone.

Lord Folkestone said, it was the intention which he wished to defeat; the practicability of executing such intentions actually appeared in the reign of King William III. by means of King James's charters, several of which appearing of this tendency on trials of controverted elections, were voted illegal by the house of commons; and added, that if the charter of 1774 spoke the language of 1683, it was becoming a member of parliament to talk the language of 1689, and censure such intentions.

The question passed in the negative.

Lord Folkestone.

Lord Folkestone moved, That the words (of the last motion) contained in the charter, do not reserve to the crown any power of amotion, except by due course of law.

Mr. Ellis moved to adjourn.

The House divided. Ayes 127; Noes 46.

April 5.

Lord *Folkestone*, apologized to the House, that he should bring on a question before the private business was gone through, but he wished to make a motion at that instant, because it was the first moment that offered after the indirect negative put upon him on Monday. The House then voted, that a clause, reserving to the King a power of removing a returning officer, was not unconstitutional; that resolution is upon the journals. He wished the reason of that vote might likewise appear. The reason given was that the King, &c. meant the King in the courts of justice. As he could not understand the clause in that light he meant to negative his own motion; tho' if it had a legislative operation he would warmly support it. He added, that he would not give the House the trouble of a division, unless a previous question was moved: in that case he would. Moved then the second question of the former day, That the words contained in the charter do not reserve to the crown any power of amotion, except by due course of law.

Seconded by Mr. *Powys*.

Mr. *St. John* said, the reason assigned was certainly the reason for the vote on Monday, but the second question then moved and now renewed, was like voting that an eldest son is heir apparent to his father: therefore he moved the previous question.

Mr. *Gascoyne* seconded that motion, and added that it was a dangerous and useless practice to vote abstract propositions: that the noble lord admitted the vote would not alter the law, why then should the House, without any call, pretend to declare it?

Lord *John Cavendish* said, after what had passed the other night, nothing could be more reasonable than the present motion; what the construction there might be, tho' he had but little doubt, but as the House had declared there was no doubt, it was in a manner necessary to avow the principle upon which they had determined that there was none.

The previous question being put, there were for it 118, against it 46.

A motion was made for the third reading of the bill to restrain the trade and commerce of the colonies and provinces of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina.

Mr. *Hartley* against the bill, as beyond measure cruel and oppressive. He observed with great concern, that no power was vested any where to suspend the operations of the bill, or

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to abate its rigour, in case America were willing to agree to certain temporary stipulations, till the claims of one country, and the rights of the other, could be fully ascertained.

Lord North. Lord *North* made a short reply, that it did not seem to him necessary that such a power should be vested in the King and Council; that the operations of the bill would cease, nay, indeed the bill itself exist or not exist, at the option of the Americans; for if they had a mind to seek the friendship and protection of Great Britain, which was a reconciliation he sincerely wished, they would comply with the conditions of the bill, which were a free importation and exportation, to and from the mother country as usual.

Sir William Mayne. Sir *William Mayne* declared, he did not mean to debate the principle of the bill, and only differed as to the timing of it; that he was not in any respect altered in his sentiments, as to what ought to be the conduct of this country towards America, but only wished, that whatever measures were pursued, might be conducted in so temperate and moderate a manner, as to induce the Americans to change their conduct towards Great Britain. He lamented that though the Boston port bill was well intended, yet ever since the carrying of it into execution, things had gone from bad to worse in America; to the degree, that at this moment the constitution of this country seemed to totter on its very basis; that amidst the greatest provocation this country ever received, he wished to suspend the uplifted arm of power, and give the infatuated Americans time to reflect what they had been doing, and whither their frenzy, if persisted in, must carry them; that entertaining these sentiments, he could not give his affirmative to the bill, especially as he thought it would rather tend to irritate than reconcile; that it would rather tend to unite in one common league, than to disunite the people of America.

Mr. Rigby. Mr. *Rigby* pronounced the Americans to be in rebellion, and thought every Englishman ought to support the present measures, which were intended to crush that rebellion; but be the event of our present disputes what it might, he never entertained a second opinion on the subject, and that he should never give up his sentiments upon any motive of a remote view of the consequences; for as the principles on which the present measure was taken up, appeared to him to be right, so upon a secondary consideration, he was resolved never to depart from it. He then entered into a history of the stamp act; said it was the work of a great minister, and attributed all our present confusions to its repeal.

Marquis of Granby. Marquis of *Granby*. I rise to trouble the House with a few words on the bill now before it. I have sat, Sir, during the course

course of two divisions, without taking any part; even so much as giving a silent vote on any American question: because, Sir, as I will fairly confess to you, I entered these walls with prejudices against the system administration was pursuing; I thought it was but justice to hear the arguments that might be urged on both sides, to compare those arguments, and draw my opinion from that comparison. As to the bill, immediately the object of our consideration, I think it in every respect so arbitrary, so oppressive, and so totally founded on principles of resentment, that I am exceedingly happy at having this public opportunity of bearing my testimony against it, in the strongest manner I am able. In God's name, what language are you now holding out to America! Resign your property, divest yourselves of your privileges and freedom, renounce every thing that can make life comfortable, or we will destroy your commerce, we will involve your country in all the miseries of famine; and if you express the sensations of men at such harsh treatment, we will then declare you in a state of rebellion, and put yourselves, and your families, to fire and sword. And yet, Sir, the noble lord on the floor [Lord North] has told this House, that a reconciliation is the sole object of his wishes. I hope the noble lord will pardon me, if I doubt the perfect sincerity of those wishes: at least, Sir, his actions justify my doubts; for every circumstance in his whole conduct, with regard to America, has directly militated against his present professions: and what, Sir, must the Americans conclude? Whilst you are ravishing their coasts, and extirpating their commerce, and are withheld only by your impotence, from spreading fresh ruin, by the sword, can they, Sir, suppose such chastisement is intended to promote a reconciliation, and that you mean to restore to their forlorn country those liberties you deny to their present possession; and in the insolence of persecution, are compassing earth and seas to destroy. You can with no more justice compel the Americans to your obedience, by the operation of the present measures, by making use of their necessities, and withholding from them that commerce on which their existence depends; than a Russian can found an equitable claim to my possessions, when he forcibly enters my house, and with a dagger at my throat, or a pistol at my breast, makes me seal deeds which will convey to him my estate and property.

[*Mr. Rigby having declared the Americans to be in rebellion, Lord Granby, in answer, said, his ideas of rebellion were totally different from Mr. Rigby's. If according to his ideas of rebellion, the Americans were in that state, he should be as warmly their opponent as he was now their friend; and then went on:*]

I have

I have a very clear, a very adequate idea of rebellion, at least according to my own principles; and those are the principles on which the revolution was founded. It is not against whom a war is directed, but it is the justice of that war that does, or does not, constitute rebellion. If the innocent part of mankind must tamely relinquish their freedom, their property, and every thing they hold dear, merely to avoid the imputation of rebellion, I beg, Sir, it may be considered, what kind of peace and loyalty there will then exist in the world, which consists only in violence and rapine, and is merely to be maintained for the benefit of robbers and oppressors. I hope, Sir, I shall be believed when I assure you that I am as warm a friend to the interests of my country as any man in this house; but then it must be understood when those interests are founded in justice. I am not attached to any particular acre of land; the farmer in Cumberland or Durham is as little connected with me, as the peasant in America: It is not the ground a man stands on that attaches me to him; it is not the air he breathes that connects me with him, but it is the principles of that man, those independent those generous principles of liberty which he professes, co-operating with my own, which calls me forth as his advocate and make me glory in being considered his friend. As for myself, Sir, I am not in the least ashamed to avow that my attachment is to a noble lord, who has been, in my opinion, very unjustly reflected on in the course of this debate, (I mean Lord Chatham) I am not even personally acquainted with the noble lord, I do not know the inconsistencies of which he stands accused; but this Sir, I know, I shall not support his inconsistencies, I shall only support him in those principles, which have raised his name to the elevation on which it is now placed in this country, and have so deservedly procured him the love and admiration of his fellow citizens.

Sir, I shall not trouble this House any longer, as this matter has been so fully discussed, though I must confess, I am not sorry a debate has taken place, because I was rather desirous of making a kind of political creed, some professions of my sentiments on this very important, this very serious national question.

From the fullest conviction of my soul, I disclaim every idea both of policy and right internally to tax America. I disavow the whole system. It is commenced in iniquity; it is pursued with resentment; and it can terminate in nothing but blood. Under whatsoever shape in futurity it may be revived, by whomsoever produced and supported, it shall, from me, meet the most constant, determined, and invariable opposition.

Lord North to explain. He said something having fallen from a respectable quarter, [the Marquis of Granby] which he thought a charge directly against his honour, he would vindicate himself from that charge. He insisted, that the resolution of the 20th of February, and the present bill, were by no means repugnant or contradictory to each other, but on the contrary, were perfectly agreeable and consistent; for the noble lord [the Marquis of Granby] could not possibly believe that the Americans would comply with the terms of the resolution, while they resisted the conditions of this bill, which were no more, than that the trade between both countries should return to be carried on in its usual manner, that of a free exportation and importation. He next defended the measure on the principles of retaliation and necessity.

Mr. Alderman Sawbridge spoke very strongly against the bill, observing, as it originated in manifest injustice, so it inflicted a punishment to the last degree cruel and oppressive. He added, he hoped America would never tamely acquiesce to be dragooned, and compelled to submit to terms as unjust, as the power which dictated them, was obnoxious to the natural rights of mankind in general, and destructive of those they were entitled to as freemen and British subjects.

Mr. Alderman Bull. I shall take up but very little of the time of the House; I will only mention some facts relating to one very important article, because it has been the occasion of the unhappy disputes with, and the violent prosecution of, the Americans. I mean the article of tea. At the time the East India Company had in contemplation the sending a quantity of tea to different parts of Europe as well as to America, and to apply to Parliament for an act for that purpose. I had the honour to be called upon for my opinion of the measure by a very respectable person in the direction of the East India Company, whose name I am ready to mention, if called upon by the House.

My opinion then was, and I still think it not ill-founded, that the scheme was so extravagantly wild, that it was impossible it should ever be carried into execution; but if it could, it would injure, not benefit, the company, as they could not send their tea to any market where it would bring so good a price as at home. Besides, it would be an act of great injustice to the merchants here, who have always been used to buy for exportation at their sales. As to sending tea to America, from a knowledge of their disposition, the gentleman was informed they would not receive it; they would

look upon it as sent there, not to serve them but to ensnare them; they would be exceedingly irritated; they would most certainly destroy it.

An objection was, however, raised, What must the company do with their great load of tea? "and how were they to raise the money they were so much distressed for?" It was recommended to him to propose to the court of directors immediately to give out their declaration for two sales, the one in March, the other in September, and to put up their whole stock in hand; each sale, on a moderate computation, would produce about twelve hundred thousand pounds; and, as they would be in cash for the first of them in about five months, they, the company, perhaps might not be under the necessity of borrowing the fourteen hundred thousand pounds they then wanted. The quantity of tea at that time in the company's hands was said to be sufficient for six years consumption, and that great part of it was rotting in their warehouses. The real fact, however, was this: the company then had sixteen millions and a half pounds weight, not any of which had been in their warehouse more than a year and a half, and the greater part was of the last year's importation; none of it had suffered by keeping. The consumption, on the average of the preceding five years, was eight millions per annum; so that the company had in their warehouses a quantity sufficient only for two years, and not six years consumption.

If these sales had taken place, the price of bohea tea, the principal sort in demand for exportation, would have been reduced four pence or five pence per lb. viz. from two shillings and one penny, the price it had sold for, to about twenty pence per lb. which probably might have encreased the demand for exportation and home consumption together, even to twelve millions per ann. I am of this opinion, Sir, because the four foreign East India Companies, viz. the Dutch, Danes, French, and Swedes, annually import more than eight millions, although it is well known they do not themselves consume near half that quantity; the remaining four or five millions they constantly import, for the sole purpose of smuggling it into England, Scotland, Ireland, and America. The quantity that we have exported on the average of the before-mentioned five years, has been about one million four hundred thousand pounds; but this would be greatly increased, the price being only twenty pence, from which is to be deducted, for the drawback, five per cent. which reduces it to fifteen pence on board; and if we add to
this

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this even the fatal American three pence, it will be only eighteen pence; this price might perhaps have induced the Americans, as before, to receive the tea from the merchants, though not from the company, and it would at once have put an end to all smuggling, for neither the Dutch or any other company would think it worth their while to send tea to America, to be sold under eighteen pence per lb.

I will not trouble the House with any observations on these facts; but I own I cannot be brought to believe that the tea was sent to Boston to raise money for the company, to get rid of their load of tea, or to prevent smuggling, because each of those salutary ends might have been answered without injustice, or offence to any individual.

The purpose for which the tea was sent to America, and the consequence, are evident now to every man's understanding.

For these reasons, amongst others very forcible and important, which have been mentioned in this House, I hitherto have, and shall continue, to the utmost of my power, to support the Americans, thus injured and oppressed by the cruel and vindictive measures of an administration, whose whole conduct breathes the spirit of—persecution and popery.

Sir *John Duntze*. The Americans had by their open violence and repeated acts of disobedience, forfeited the goodwill and protection of this country; and that it therefore became necessary for us to retaliate, in order to bring them back to a proper sense of their duty and dependence. Sir *John Duntze*.

General *Conway*, condemned the bill in very explicit terms. Gen. *Conway*. He said, to be consistent, the House should either rescind the resolution proposed by the noble lord [Lord North] on the 20th of February, or suspend any farther proceedings on the present bill, till the effect and event of that proposition were known, otherwise we might possibly be inflicting the most severe punishment on people who were at the same instant acting in the strictest conformity to what was solemnly laid down by this House as the great rule by which their duty and obedience were to be regulated. He concluded his speech with lamenting, in the most moving terms, the unhappy divided state of both countries, and expressing his fears of the dreadful consequences which must follow, should the sword be once drawn, and the whole Empire convulsed with all the horrors of a civil war.

Mr. *Rigby* said, the Americans would not fight. They Mr. *Rigby*. would never oppose General Gage with force of arms.

Sir Richard
Sutton.

Sir Richard Sutton was strongly for passing the bill, and read part of a letter, [General Conway's] when he was secretary of state, in confirmation of Mr. Rigby's sentiments. [See page 416.]

Gen. Con-
way.

General Conway in reply, that the argument of the Hon. Gentleman went too far, as it supposed that present measures should be determined on former circumstances, which, if applicable at all, combated the conclusion he was desirous of drawing from circumstances which existed so many years.

Rt. Hon.
T. Town-
shend.

Right Hon. T. Townshend observed, that the noble lord, [Lord North] and his friends and advisers, first created the necessity, and then, defend the measure upon that very ground; that is, says he, we do a thing we should not have done; our first essay being imperfect, and not to be executed upon the plan we first formed, it then becomes necessary we should do something else, if possible, more unjust than the former; so that, on the whole, we endeavour to carry into execution one act of injustice by exercising another, thus become necessary to give it effect.

The question was put, that the bill do pass.

The House divided. Ayes, 192. Noes, 46.

April 6.

Adjourned the petitions on controverted elections till next session.

The House in committee on the clothiers petition of Witney, and a witness being examined, touching the increased price of rape seed, and the consequent advance in the price of oil, used in the woollen manufacture. He said, though the price was advanced, the quantity of seed raised was not increased; that rape seed was mostly grown in Yorkshire; that great quantities were raised in Ireland, but that there was such a heavy duty paid on the importation of it into this kingdom, that we were obliged to import it from Holland, and the Austrian Netherlands; but if the duty on Irish rape seed was taken off, it would considerably lower the price. He said, the value of oil consumed, as a substitute for tallow, as well as every other use, in London only, amounted to the annual sum of 300,000l.

Sir George
Macartney.

Sir George Macartney moved, that all duties now payable on rape seed, imported into this kingdom from Ireland, do cease. The resolution agreed to.

April 7.

Private business—In Committee to consider of a reward for the discovery of a Northern passage from Europe to the West

and Southern ocean of America, and to such persons as shall penetrate to the North Pole.

Adjourned to April 10.

April 10.

The order of the day to go into a committee on the bill for incapacitating 188 voters of Hindon.

Mr. *Harris* professed his good dispositions towards the bill, *Mr. Harris* but doubted the propriety of going into a committee before the material parts, such as the preamble, &c. were first proved in a course of parliamentary enquiry and examination. He believed, he said, that bribery had been committed, and he supposed that the persons meant to be incapacitated, were guilty of the offences laid to their charge; but as the bill was manifestly a bill of pains and penalties, the House could neither determine on behalf or supposition, but when it was proceeded to inflict a punishment, so severe in its nature, and extensive in its operations, it required the most clear, convincing, and relative proofs on the part of the prosecution, as well as that the parties who were accused, and were to be involved in such punishment, should be fairly and dispassionately heard in their own defence. He was therefore of opinion, that the supposed facts on which the present criminal prosecution was founded, should be proved before the House went into a committee, because that stage of the bill always presumed the facts on which it was founded had been previously proved.

Mr. *Byng* observed, that the proposition made by the Hon. *Mr. Byng*, Gentleman, was totally irregular, and against the known forms of the House; that the bill had been read a second time and stood committed; and that therefore the order of commitment must be first complied with before any objectionable matter whatever which it contained could be regularly debated.

Mr. *Attorney General* insisted, that the gentleman who first *Mr. Attorney General* spoke, was perfectly within order; that the bill was clearly a bill of pains and penalties, and as such, required evidence sufficient to warrant the accusations which created the supposed delinquency; that it was unknown in the history of Parliament, in the usage of the courts of Westminster-Hall, any judicial criminal process whatever, and the immutable laws of substantial justice, to condemn persons on doubtful and uncertain evidence, much less upon no proof whatever; and that therefore, pursuing the idea of his honourable friend little further, he should be against the question proposed, being of opinion that the Speaker ought not to leave the chair.

Mr.

Mr. Byng.

Mr. Byng complained of the very disagreeable situation he and the rest of the gentlemen who served on the select committee, and who drew up the report, stood in. He stated the difficulties they had all along to encounter with, and lamented the unhappy diversity of opinions that prevailed among the professed friends of the bill; but he was now glad, he said, that the mask had been partly drawn aside; and that the single question came to be, whether the bill, clear of every secondary consideration, should, or should not, be totally defeated in this stage. He then reminded the friends of Mr. Grenville's bill of their duty, and called for their support, as it was demonstratively evident that the present attempt was ultimately directed at that modern Palladium of the sacred right of election. He said, tired out, teased, and thwarted as he and all the gentlemen of the same way of thinking were, he was glad that their opponents offered to meet them on fair and open ground; and no longer continued to harass them with difficulties and objections, as numerous as they were ill-founded; that the House would on the occasion be composed of only two descriptions of men, such as were professed foes to corruption, and were determined to endeavour all in their power to exterminate it with spirit and resolution; and those who as favourable to their power and importance, were resolved at all events to uphold it, and screen the delinquents. In answer to Mr. Attorney General's objections, that the present proceedings were without precedent in the annals of Parliament, he desired that the journals of March 1728 might be read. This being complied with, they appeared to furnish a precedent full in point, which was the report from the chairman [Mr. Oglethorpe] of the committee appointed to inspect the state of the Fleet prison, when, without any other evidence, but what the committee furnished, the House ordered in a bill, for depriving the warden of his place, and for punishing him and several other persons therein mentioned.

Mr. Attorney General.

Mr. Attorney General replied, and allowed, that the precedent was in point; but said that mode of proceeding was contrary to every idea of legal proceeding whatever.

Mr. Fox.

Mr. Fox was warm against the bill, and severe upon the committee. He said, it had been objected to him, that he had on a former night gone out of the House, and spoke to witnesses, who was going to be examined. He owned he did so, and was proud of the imputation, thinking it his duty as counsel for the culprit to do so.

Mr. Byng replied, though judges were supposed to be counsel for the culprits brought before them for trial, he confessed he was ignorant till now, that it was part of their duty to come off the bench, in order to instruct persons charged with criminal offences to make their defence; and prompt them with the answers they were to give on examination.

Sir Cecil Wray. Though he approved of the second part of the bill, viz. the introduction of the freeholders of the county as an amelioration of the constitution of the borough, yet he opposed the bill, as founded on injustice; the greatest culprits being suffered to escape, and the indignation of the House directed only against those whose situation in life rendered them more easily liable to the temptation of a bribe.

The Speaker then left the chair, and the House went into a committee on the bill; previous to which Mr. Fox presented a petition from the Rev. Mr. Nairne, one of the persons proposed to be incapacitated. This produced another conversation, relative to the hearing of counsel, &c. At length, the counsel being called to the bar, Mr. Thomas Dundas, chairman of the committee, asked them, who they were counsel for? The mode of proceeding took up a considerable time: it was at length agreed, that the several names in the bill should be called over; and that the counsel should point out those for whom they were retained. This being complied with, Messrs. Bearcroft, Phipps, and Macdonald, were severally heard, as to the propriety of admitting Francis Meed, one of the persons named in the bill, to be a competent witness. The counsel were then ordered to withdraw, and Mr. Byng moved, that Francis Meed be now called in.

Mr. Attorney General opposed this very strongly upon several grounds. First, he insisted, that Meed was not a competent witness, because, as he was involved in the general charge, he should not be brought to give evidence to convict himself. Secondly, though that objection were removed, his testimony was neither admissible nor creditable, for his evidence going to prove bribery against his brother electors, it would narrow the right of voting in the borough, and consequently inance his franchise, because that right would be confined to a fewer number. Thirdly, it was contrary to every rule of judicial proceeding in the courts below, to admit the evidence of a *particeps criminis*, as well as those of substantial justice; because, take the alternative, a witness thus circumstanced must have an interest, either to excuse himself, or accuse others. And that, on the whole,

as

as the present proceeding was in the nature of an indictment, to be followed by pains and penalties, it was never yet heard in Westminster-hall, or elsewhere, that any one person included in an indictment, was permitted to give evidence against his accomplices, as long as he might be supposed to have a positive and immediate interest in convicting them.

*Sir Richard
Sutton.*

Sir Richard Sutton contended, that the learned gentleman's reasoning did not apply, even though he were allowed the full benefit of the most strict legal interpretation; because, the crime of bribery, in no case whatever, can be supposed to extend further than the person bribed; his bribery being not connected with any man's, nor any man's with his. The whole 188 were bribed, it was true, but every man but himself, or any given number of them, might be convicted, and not affect him; and in like manner with all the rest. So it was in every criminal prosecution whatever, where the proof against one man did not reach another, which could never happen in the present case. For instance, says he, suppose one man indicted in Kent for a robbery, and another in Essex; will any man, in the least acquainted with the course of legal proceedings, pretend to say, that either of these would not be a competent and admissible witness against the other?

*Mr. Solicitor
General.*

Mr. Solicitor General agreed, that competency and credibility were things, though frequently attached to the same subject, totally distinct and separate in their natures; it is your business, says he, therefore to call the witness in, and examine him; but it is the province of the House to judge, from the particular circumstances under which he comes before you, whether he be a credible witness. As for his competency, I have not a single doubt on my mind that his testimony is admissible. He observed, that from the nature and magnitude of the offence, and the impossibility of obtaining substantial justice in the ordinary course of law, although the precise forms of legal process, adopted by the courts in Westminster-hall, would not literally justify the examination of the witness, yet it would be better to dispense with them on this occasion, than permit such notorious offenders to escape. If any part of the House still retain a doubt, says he, the obstacle may be easily removed, by either striking Meed's name out of the bill, or if that is thought irregular, to read the names over which precede his, postpone them, and then erase his name, which will substantially correspond with the usual methods observed by the dispensers of criminal justice, when they

they admit a *particeps criminis*, an evidence on the part of the crown.

Sir *George Hay* replied to the general position, insisted on so strenuously on the other side, that the legal mode of proceeding, and immutable laws of substantial justice forbid, that an accomplice or a *particeps criminis* should be permitted or obliged to give any testimony which might tend to excuse or convict himself, or affect others in this manner. I allow, says the learned gentleman, that the rule, as generally laid down, is a fundamental maxim for regulating the admission of evidence; but I know likewise, that it admits of many exceptions, one of which frequently happens in the court in which I have the honour to preside, assisted by the common law judges, that is, when substantial justice is to be obtained, and *no other* evidence can be procured to affect it, we admit one of the parties accused, though under the predicament so much relied on in the present debate, that of being indicted for the same crime, *not*, as in the present case, for the same species of offence only. For this reason, as well as the utter impossibility of reaching the offenders, I would by no means adhere too scrupulously to inefficient forms, which were designed to obtain justice and protect the innocent, *not* screen offenders; and as we are besides warranted by the most rigid and formal mode of judicial proceedings, I would therefore adopt the mode proposed by my learned friend early in the debate, by putting the question of postponing on each name separately, till we get to Meed's, and then erase that out of the bill or indictment, or whatever else you please to call it, which will obviate at once all the objections so much relied on by the opposers of this just and well-founded prosecution.

Mr. *H. Dundas*, solicitor general for Scotland, replied very warmly to the general reasoning employed by the friends of the bill. He contended it was as repugnant to every rule of legal proceeding and mode of judicial process, civil or criminal, to permit a person to give testimony in any matter in which he was materially interested in the event, as it was palpably contradictory to common sense, and to every idea of equity and justice. The learned gentleman who spoke last, says he, seems to think, that justice ought to be sacrificed to obtain justice; but for my part, I am of opinion, that fifty offenders should be suffered to escape sooner than one innocent person should be punished; or which is the same thing, before any one of the supposed culprits should be condemned before they are legally convicted. But suppose for a moment,

that the evidence applied to this or that particular man, or description of men; is there a man in this House, at all conversant in criminal law, who will venture to assert, that because one has bribed, another has acted as agent, a third has received a bribe; is there one member present, I say, who will contend, that those different charges should be consolidated and made to apply specifically and generally against every individual comprized in the bill? If the accusation before us means any thing, or bears any analogy whatever to proceedings in the courts below, the charge must be a charge similar to a conspiracy. Sure then, however zealous the promoters of this bill may be to carry a favourite point, they will hardly venture to maintain so absurd a position: it will not be contended, that any concert or previous communication has been proved. Does not the very argument on the other side, which says, that no particular proof reaches further than the individual to whom it applies, evince the direct contrary? If, then, no charge of conspiracy can be supported, how is it possible you can convict 188 persons in the lump, upon a general accusation, which on the very face of it applies to all of them, or applies to none?

Lord North.

Lord North said, he was inclined to support the first part of the bill, respecting incapacitation; but he by no means approved of the mode of carrying it into execution, or the testimony on which the bill proceeded; nor did he approve of the clause for converting the right of voting into a freehold, which, when it properly came before him, he was determined to oppose. His lordship then proceeded to examine the nature of the evidence meant to be given in support of the bill, and after condemning it very fully, observed, that the mode proposed by the two learned gentlemen was totally impracticable in any stage, but much more so in a committee; for beginning with the names alphabetically, the House would be obliged to dispose of all those, till they came to the letter M; and of all the names in that letter, till they came to the name of Meed, none of which the House could in a committee postpone, but would be obliged to either retain or reject, without any proof whatever. For those reasons, he recommended to the gentlemen who were friends to the bill, to withdraw it for this session; or if that were not agreeable to them, to drop the present bill and frame another, leaving out the name of Meed, or any other person, whose testimony might be necessary to convict the rest; nor did he see any kind of material difficulty or delay it would occasion, for he knew nothing to prevent a similar bill, clear of the objections stated against

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against the present, being drawn up, and presented within 24 hours.

Col. *Barré*, though a friend to the bill, acceded to this Col. *Barré*.
proposal, because he disapproved of the mode of proceeding.

Lord *John Cavendish*, though a friend to the bill, acceded Lord *John*
to the proposal, because he disapproved of omitting the can- *Cavendish*.
didates.

Sir *George Yonge* accepted the proposal; but observed at the Sir *George*
same time, that the force of opposition, abetted openly by ad- *Yonge*.
ministration, was not directed so much against the bill in
question, as against Mr. Grenville's act, to which this was a
supplement.

Lord *North* disclaimed all such sinister intentions. He said, Lord *North*.
he had opposed Mr. Grenville's bill openly, and never under-
hand; that that bill had its own jurisdiction, that of deciding
who should have seats in that House, which he should never
undermine or attempt to take away, while it continued part
of the law of the land; that the present was a matter clearly
and distinctly appertaining to the House, on which the House
itself were the only judges; and, that he was sure the person
who was the author of the bill, never meant that the House
was to be directed in criminal prosecutions, and on bills of
pains and penalties, by the reports of its committees. He
moved, That the chairman do now leave the chair.

The Speaker took the chair, and a new bill was ordered to
be brought in.

April 11.

Lord *North* moved, That the House do resolve itself into Lord *North*.
a committee of the whole house, on the 27th instant, to
consider of the encouragement proper to be given to the fish-
eries of Great Britain and Ireland. He introduced his mo-
tion with disclaiming any motives of resentment against Ameri-
ca, by the present measure, or meaning it either directly or
indirectly to oppress that country. He said, that fisheries,
well conducted and properly directed, were an inexhaustible
fund of riches; for while they extended our commerce, and
kept open a continual advantageous intercourse with foreign
nations, they increased our naval strength, and were conse-
quently the great source of that power, which gave us the
pre-eminence over all the other nations of Europe.

Mr. *Burke* thanked his lordship for the friendly disposition Mr. *Burke*.
he had now shewn towards his [Mr. Burke's] native country;
observing at the same time, that however desirous he might
be to promote any scheme for the advantage of Ireland, he
would be much better pleased that the benefits thus held out

should never be realized, than that Ireland should profit at the expence of a country which was, if possible, more oppressed than herself.

Mr. Thomas Townshend.

Mr. Thomas Townshend condemned, in the most pointed terms, the narrow, weak, and ill-founded policy which had directed the English councils in respect to Ireland, ever since that country had become a part of the British dominions; and recommended very warmly, an enquiry into the state of the Irish commerce and manufactures, in order that such of them as did not immediately interfere with those of Great Britain, might receive every possible encouragement consistent with the general interests of the whole empire.

Mr. Conolly.

Mr. Conolly drew a very melancholy picture of the present state of Ireland, and recapitulated many instances of the eminent loyalty of that country, and of the repeated proofs she had given, for a series of years back, of her readiness to contribute, much beyond her ability, to the common support. Besides the merits she had to plead on these grounds, he pointed out the absurdity of several of the restraints laid upon the Irish commerce; and endeavoured to shew, that some of those were as unkind as impolitic; and that there were some branches of trade, particularly that to the Levant, which might be laid open, much to the advantage of both countries, and to the complete rivalship of the French.

Mr. Burke.

Mr. Burke rose a second time, and predicted the most happy conclusion from the dawning favourable disposition of the minister. He therefore offered an amendment, by proposing to insert the words trade and commerce.

Lord North.

Lord North observed, that the amendment suggested by the honourable gentleman, would introduce a mass of matter, much too weighty and extensive for present consideration; that nothing of the kind was intended by the present motion; and, that it arose purely from matter which came out in the course of a discussion on the Massachusetts bay fishery bill, though he could assure the House, that it was by no means dictated by a spirit of resentment, but was simply taken up on the mere independent idea which the motion expressed, that of encouraging the fisheries of Great Britain and Ireland, as an independent proposition. This motion was agreed to.

The House then went into a committee to take into consideration that part of a bill of the 13th of his present Majesty, which contains a clause for obliging the East India company to export, to a certain amount, goods and merchandize, of the growth, produce, and manufactures of this country.

Mr.

Mr. *Cowper* observed, that such another bill had been *Mr. Cowper.* brought in, in the year 1768, which expired at the end of five years, in 1773; that it was then revived for two years longer, which was now near expiring; that therefore he would move the committee, that the same might be continued for a limited time, which he meant to be three years longer, till the expiration of the charter.

The arguments chiefly insisted on by the friends of the motion, were, that the exclusive trade granted to the East India company, was a monopoly, for which the exportation of our own manufactures was no more than a reasonable return; that as great quantities of the manufactures brought from India were worn in England, it could be deemed no hardship to compel the company to export some of ours, by way of equivalent; and that the bill was not a new one, but had passed in 1768, on the fullest information, and had been formed on the plan of a bill of the same nature, passed so early as the year 1681; the principle being the same, though the amount of the value of the commodities to be exported, had been considerably increased, yet not beyond the proportion between the trade carried on with that country at the first and last mentioned periods.

To this it was replied, among other reasons, that the obligation laid on the company was in fact become a tax; because, in the article of woollen cloths in particular, the greater part of the export was an actual loss, as the extreme heat of the climate destroyed them, and rendered them unfit for sale, if not disposed of within 12 or 18 months; that the evil was not barely confined to the loss, but it likewise brought the commodity into disrepute, as no person would be a second time a purchaser of rotten cloth; and that of course, it gave the French an opportunity of rivalling us in India, as well as they had long since done in Turkey.

Lord North, Mr. Cooper, and Mr. Jenkinson, spoke for the motion; Mr. Burke, Governor Johnstone, and Mr. J. Johnstone against it.

The House divided. For the motion 56; against it 9.

Sir *Cecil Wray* reported from the committee, who were appointed to review and consider the several laws which concern the relief and settlement of the poor, and the laws relating to vagrants; and also the state of the several houses of correction, within that part of Great Britain called England; and to report the same, with their opinion thereupon, from time to time, to the House; that the committee had come to several resolutions, which they had directed him to report to the House; and he read the report in his place, and afterwards

Sir *Cecil Wray.*

afterwards delivered it in at the table, where the same were read, and are as followeth, viz.

Resolved,

That it is the opinion of this committee, that the laws relating to the poor, in that part of *Great Britain* called *England*, are defective, and the good purposes intended by them in many respects prevented.

That it is the opinion of this committee, that the present method of regulating such poor, in separate parishes and townships, is, in general, ineffectual for their proper relief and employment.

That it is opinion of this committee, that the money raised for the relief of the poor is a grievous, and if no new regulations are made, will be an encreasing burthen upon the public.

That it is the opinion of this committee, that a considerable part of such money is expended in supporting litigations concerning settlements.

That it is the opinion of this committee, that the employing of the infant and able poor, in such works as may be suited to their strength and capacity, will be very beneficial to this kingdom.

That it the opinion of this committee, that if the disputes about settlements and removals of the poor between one parish or place and another, in the same county, could be prevented, the great expences attending such litigations would be saved, the poor would have an easier access to places where they might find employment, and would avoid the cruel and severe treatment which they frequently receive from the contending parishes during such contest.

That it is the opinion of this committee, that if the poor were to be maintained and employed at one general county expence, those disputes would in a great measure be avoided, the spirit and intention of the statute made in the 43d year of the reign of *Queen Elizabeth* would be promoted, and the regulations and provisions therein contained better inforced.

That it is the opinion of this committee, that the establishing proper houses and buildings, at such places in each county, as shall be best situated for the reception, accommodation, and employment, of the several poor and disorderly persons proper to be sent thither, and for the convenience of their being duly inspected and attended to, will be the most easy and effectual method for relieving the impotent, and employing the able, poor.

That

That it is the opinion of this committee, that care should be taken, in the providing and establishing of such houses and buildings, for properly classing and employing the several persons admitted therein ; for which purpose, and in order to the establishing a system of good regulations, it may be proper to inspect the several bye laws, rules, regulations, and ordinances, constituted in the several houses of industry and public workhouses established under special acts of parliament within this kingdom.

That it is the opinion of this committee, that for the better government of the said houses, and carrying the intended regulations into execution, every person having an estate of 100*l. per annum*, in *England*, and 60*l. per annum*, in *Wales*, shall be a governor of the poor, for the county wherein he resides, provided such estate, or one half thereof, shall lie in such county ; and that there shall be one general meeting of the governors for such county, on a day and place to be fixed ; at which meeting they shall determine the places where the buildings before described shall be erected, and also what parishes shall return their rates and accounts, and have their correspondence and transactions with each of such houses, according to their situation and vicinity, as near as conveniently may be ; which houses and parishes shall be distinguished by the name of the first, second, &c. district ; and that there shall be one annual general meeting of the governors, at each of the said houses, on some certain day to be fixed ; and also one monthly meeting of the said governors, at the same place, in the first week in every month, on a certain day to be appointed by them ; and that such governors may, at their annual meeting, elect, from time to time, such other persons, residing in such county, and having estates of such value in the dominions of *Great Britain*, as they shall think fit to be governors, provided the numbers so elected shall not exceed, at any one time, a certain number to be limited for each county, which number shall, at such first general meeting of the governors at large, be distributed between the several houses then to be fixed upon, as they shall think fit, and election made accordingly.

That it is the opinion of this committee, that the governors shall, at their annual meeting, appoint so many persons, to be guardians of the poor, for the several parishes, townships, and places, belonging to each house, as they shall think fit, having estates of 25*l. per annum*, or occupying lands, &c. of 50*l. per annum*, within such county ; but no person shall act as guardian, within any parish, township, or place,

place, whilst he shall be church-warden or overseer of the poor for the same.

That it is the opinion of this committee, that there shall be a treasurer and clerk, and also a master and a matron, appointed by the said governors, for each of the said houses, at the first meeting of the governors after the said houses shall be fit for the reception of the poor, and proper salaries allowed to each of them.

That it is the opinion of this committee, that the poor persons, being lame, impotent, old, or blind, who are unable to work, or who cannot maintain themselves by their labour, but stand in need of relief, shall be sent, from the respective parishes and places where they reside, to the said houses, and there accommodated with every thing suited to their several necessities and occasions; and such of them who shall be able to work, employed in labour suited to their strength and capacity.

That it is the opinion of this committee, that the orderly and industrious poor, who, from accidental sickness, infirmities, or other unavoidable causes, shall be rendered unable to maintain themselves and their families by their labour, may have temporary relief from the overseers of the poor, within the several parishes or places where such poor reside, with the approbation of two or more of the said guardians, in such manner as shall be most suitable to their necessities.

That it is the opinion of this committee, that such of the infant poor, under the age of four years, who have lost their parents, or whose parents are unable to maintain them, and shall be willing to part with them, may, by the direction of two or more of the said guardians, be put out to nurse in that or some neighbouring parish, until they shall be fit to receive instruction; and from that time shall be sent to the house to which such parish or place shall belong, to be instructed in all necessary duties, and employed in such manner as shall be most suitable to their age and capacities.

That it is the opinion of this committee, that such of the infant poor, above the age of four years, who have lost their parents, or whose parents are unable to maintain them, may, by the direction of two or more of the said guardians, be sent to the house to which such parish or place shall belong, to be instructed in all necessary duties, and employed as aforesaid.

That it is the opinion of this committee, that each of such children respectively, when of proper age to be placed out apprentice, or to service, shall be so placed out by the governors; but if, at any time, their parents shall apply to the governors,

A. 1775.

D E B A T E S.

governors, to have their children returned before so placed out, and it shall be made appear to such governors that the parents are able to maintain them, the governors shall order them to be returned.

That it is the opinion of this committee, that the overseers of the poor shall, in the last week in every month, send to the treasurer of the house to which their parish or place belongs, according to the regulations aforesaid, a true account of all the expences incurred relative to the poor within such parish or place, for the four weeks next preceding the week in which such accounts shall be sent, after the same respectively shall have been produced to two or more of the said guardians, and allowed by them.

That it is the opinion of this committee, that the treasurer and clerk shall make an account of all receipts and payments within each month, to be laid before the governors at their monthly meetings; and shall also make, and lay before the Governors at such meetings, abstracts of the expences incurred within the several parishes by such relief or provisions aforesaid; pointing out the particular object of such expences, for the better observation and consideration of such governors.

That it is the opinion of this committee, that the governors, at their monthly meetings, shall inspect and examine all such accounts; and if they find cause to suspect that there has been mismanagement, or any improper behaviour therein, they may order the persons concerned in such transactions to appear before them at their next monthly meeting, provided the place where such matter arises shall not be more than ten miles from such house, and then and there enquire into the same upon oath, and make such order and regulation therein as to them shall appear just and reasonable; if the place shall exceed that distance, the said governors may grant an order for the person so concerned to attend some neighbouring justice of the peace, at such time and place as he shall appoint, which shall be notified to the persons so concerned, and such justice shall in like manner enquire into the same, and make such order and regulation therein as to him shall seem fit.

That it is the opinion of this committee, that for carrying the several purposes aforesaid into execution, assessments shall be made, by order of the justices at their general quarter sessions of the peace, upon every parish, township, and place, within each county, according to the proportion of money raised within such parishes and places respectively, and applied

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plied an account of the poor, upon a medium of the seven preceding years; the mode of ascertaining the sums so raised to be particularly directed.

That it is the opinion of this committee, that the accounts from each of such houses shall be made up quarterly, and laid before the justice of the peace for the county wherein such houses are situate, at their general quarter sessions of the peace; who shall inspect the same, and make orders for the sums to be raised within the succeeding quarter.

That it is the opinion of this committee, that no parish, township, or place, shall be compelled to contribute more, in any one year, than such average sum.

That it is the opinion of this committee, that if it shall be made appear to the justices, at their court of general quarter sessions of the peace, that a reduction may be made in the said several assessments, and that such average sum, for any parish, township, or place, exceeds four shillings in the pound, of the annual value of the lands, tenements, and hereditaments, within such parish, township, or place, upon a fair valuation thereof made by persons to be appointed by such justices, at the expence of such parish, township, or place; then, and in that case, such court of quarter sessions shall, in all their orders for the future assessments, consider the average sum, for such parish, township, or place, at one fifth part of the annual value of such lands, tenements, and hereditaments, so to be ascertained as aforesaid, instead of the average sum so first settled.

That it is the opinion of this committee, that each riding in the county of *York*, and division of the county of *Lincoln*, and each districk, city, town, or place, where more parishes than one are incorporated for the relief of the poor, by special acts of Parliament, shall, with respect to all the purposes of these intended regulations, be considered as distinct counties.

That it is the opinion of this committee, that these regulations shall not take effect in any county, until ordered by two parts in three of the persons qualified as aforesaid to be governors, assembled at a meeting to be held for that purpose, after two months notice thereof given in the public newspapers circulated in that county, and signed by at least fifteen persons so qualified.

April 12.

Lord North. Lord North delivered to the House, by his Majesty's command, the following message.

GEORGE

GEORGE R.

“ His Majesty desirous that a better and more suitable accommodation should be made for the residence of the Queen; in case she should survive his Majesty; and being willing that the palace in which his Majesty now resides; lately known by the name of Buckingham house, and now called the Queen's house; may be settled for that purpose, in lieu of Somerset house; recommends it to his faithful Commons, to take the same into their consideration; and to make provision for settling the said palace upon her Majesty; and for appropriating Somerset house to such uses as shall be found most beneficial to the public.”

G. R.

Resolved, *nemine contradicente*, that his Majesty's message be taken into consideration on the 26th.

The bill for incapacitating the Hindon voters was presented, read a first time, and after a short debate, whether the candidates who gave the bribes should not be included in the bill; which passed in the negative without a division, it was ordered to be read a second time on the 26th.

The House then went into a committee of supply, and came into the following resolutions, which were ordered to be reported to-morrow.

Resolved, that it is the opinion of this committee, that a sum not exceeding 262,537l. 7s. 10d. be granted to his Majesty for extraordinary expences of the army, for the service of the year 1774, and not provided for by Parliament.

To almost every article in this estimate Sir *William Mayne* Sir William Mayne. objected, either on account of the manner of remitting money to Boston, which he contended might be sent by a man of war, by which a saving of one and a half per cent. would be made on the sum of 92,000l. which monstrous sum had been incurred under the head of extraordinaries at Boston alone in the course of the last year. The other *items* he particularly averted to, in the same account, were 11,000l. charged on a contract to Anthony Bacon, Esq. for negroes in the ceded islands; 4000l. to the same gentleman in another place; 11,000l. paid for extraordinaries incurred in Scotland; 3,400l. in one article, for oatmeal for the use of the troops there; 11,000l. to Mr. Adair, the surgeon; and others, for several articles furnished to the army, with a variety of other *items* of a similar nature. Lord North and Mr. Cooper endeavoured to explain the propriety of the present mode of remitting money to General Gage, and the contracts relative to the negroes, and the providing the troops in America with provisions.

vifions. Lord Barrington defended thofe refpe<ting the extraordinary incurred in Scotland for medicines, to furgeons mates, &c. but it was plain that their answers were by no means fatisfactory; and that the accounts in general were very loofely drawn up, without referring to proper vouchers, and totally deficient in point of fpecification.

Sir William manifested a comprehensive knowledge of the fubject, and convinced adminiftration, that in future it will behove them to come better prepared to explain and obviate any objections which may be made to their method of ftating the public accounts, refpe<ting monies not granted by eftimate, but expending at their difcretion, on fervices of which the Houfe muft remain ignorant, till accompanied by the proper fpecifications, and neceffary references. The committee alfo came to the following refolutions:

That 3000l. be granted to the trustees of the Britifh Mu-
feum.

That 5000l. be granted to the Turkey company.

That 4346l. 10s. 5d. be granted for the civil eftablifhment of Nova Scotia.

That 3086l. be granted for the civil eftablifhment of Georgia.

That 4590l. be granted for the civil eftablifhment of Eaft Florida.

That 5450l. be granted for the civil eftablifhment of Weft Florida.

That 1885l. 4s. be granted for expences attending general furveys in North America, for the fervice of the year 1775.

And 1,250,000l. for paying off Exchequer bills, made out purfuant to an act of the laft feffion.

The faid refolutions ordered to be reported to-morrow.

The Houfe then went into a committee of ways and means for making good the fupply granted to his Majefty, and came to the following refolution:

Resolved, That it appears to this committee, that the fum of 895,686l. 13s. 10½d. remaining in the Exchequer on the 5th of April 1775, for the difpofition of Parliament of the produce of the overplus monies arifing out of the fund, commonly called the finking fund, be granted to make good the fupply granted to his Majefty.

April 13.

The preceding refolutions reported to, and agreed to by the Houfe.

Adjourned to the 25th.

April

April 25.

Private business.

April 26.

Lord North acquainted the House, that his Majesty had Lord North. commanded him to inform the House, that, if the House of commons shall think proper to make provision for settling the palace, mentioned in his Majesty's message, in lieu of Somerset House, on the Queen, in case she shall survive his Majesty, his Majesty is willing, that, after the determination of such settlement, the said palace shall be annexed to, and vested in, the crown of Great Britain.

Ordered, That what the Lord North has now acquainted the House with, from his Majesty, be referred to the consideration of a committee.

Then the House resolved itself into the said committee; and, after some time spent therein, Mr. Speaker resumed the chair; and Sir Charles Whitworth reported from the committee, that they had come to several resolutions, which they had directed him to report, and are as followeth, *viz.*

That the palace in which his Majesty now resides, lately known by the name of Buckingham House, and now called The Queen's House, be settled on the Queen, in lieu of Somerset House, in case she shall survive his Majesty.

That, from and after the determination of such settlement, the said palace be annexed to, and vested in, the crown of Great Britain.

That the Palace of Somerset House, which, by an act made in the second year of his present Majesty's Reign, was settled upon the Queen, be vested in his Majesty, his heirs and successors, for the purpose of erecting and establishing certain public offices.

General Fitzroy (Vice Chamberlain to the Queen) ac- Gen. Fitzroy. quainted the House, that her Majesty gives her consent, that the House may make such provision, for settling Buckingham House, now called The Queen's House, on her Majesty, in lieu of Somerset House, as they shall think proper.

Then the resolutions were agreed to.

New bill for incapacitating the Hindon voters, read a second time and committed.

Bill for erecting a House of Industry in Norfolk, read a third time, and passed.

April 27.

The order of the day, to consider of what encouragement it may be proper to give to the fisheries carried on from Great Britain and Ireland. Previous to the House resolving itself

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Then the resolutions were agreed to.

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April 27.

The order of the day, to consider of what encouragement it may be proper to give to the fisheries carried on from Great Britain and Ireland. Previous to the House resolving itself

Lord North. itself into a committee, *Lord North* observed, that when the present proposition was first moved, he wished it to be understood, and explained himself so at the time, that the only object meant to be considered, was the fishery alone; but since that time application had been made, and it had been thought reasonable, that as several regiments serving in the West Indies, North America, and his Majesty's Governments of Gibraltar and Minorca, were paid by that kingdom, and by the law as it now stood, no cloathing accoutrements, &c. could be sent from thence, to allow such cloathing, &c. to be sent under certain restrictions, directly from Ireland. His lordship next proceeded to observe, that the linen being the staple manufacture of Ireland, and it being dreaded, that the American non-importation agreement might cut that country off from the annual supplies of flax-seed from North America, though, for his own part, he had no reason to think so, as he imagined such an unnatural combination, from the very nature of it, must shortly be dissolved; he begged leave to submit to the consideration of the House, considering the immediate urgent circumstances which now presented themselves, if it would not be proper to grant a small bounty on the importation of flax-seed into Ireland for a limited time. He said he was fully aware of the seeming oddity of such proposal, and of the jealousies and alarm such a measure might probably occasion; but when the motives which induced him were properly considered, and that no fraud could be carried into execution; doubted not but the House would immediately subscribe to their propriety. He assured the House before he sat down, that the indulgence given to export the cloathing for the troops should be carefully guarded; and, that as to the bounties paid on the importation of flax-seed into Ireland, there could be no fraud, because the parliament of that kingdom had already granted a similar bounty, which usually amounted on an average to 7,500*l.* *per annum*; therefore the certificates in one instance, would be vouchers to the British Parliament, to prevent even the suspicion of fraud or imposition of any kind whatever. His lordship then moved the two following instructions.

Ordered, "That it be an instruction to said committee, that they do consider of allowing the cloathing and accoutrements necessary for his Majesty's forces, which are to be paid out of any of his Majesty's revenues arising in the kingdom of Ireland, and are sent from thence upon his Majesty's service, to be exported from Ireland, to the places where such forces shall be so ordered to serve."

Ordered.

Ordered, "That it be an instruction to said committee, that they do consider of what encouragement it may be proper to give, to promote the importation of flax-seed into Ireland for a limited time."

The House went into a committee of the whole House upon the encouragement of the British fisheries, when Lord North moved the following resolutions :

Resolved, that it is the opinion of this committee, that the following bounties should be paid ; that is to say, 40l. for 25 vessels of the burthen of 50 tons and upwards, that shall first arrive from Newfoundland with a cargo of bank fish, and not less than 10,000 in tale ; and disposing of the same, shall catch a second cargo of the same.

Resolved, that 20l. per vessel, for 100 vessels that shall next arrive as before-mentioned, be paid.

Resolved, that 10l. a vessel, for the next 100 vessels that arrive as above-mentioned, shall be paid.

[Upon this he remarked, that the design of it was to encourage the going out early enough to make two voyages a year, which was very practicable. He observed, that there could not be a doubt but it would be infinitely for the advantage of this country, to make Newfoundland as much as possible an English island, rather than an American colony ; that sedentary fisheries ought to be discouraged, and the bank ship fishery encouraged, which was the great nursery of seamen ; that the experiment was not an expensive one, as the whole demand could not exceed 4000l. a sum not great enough to alarm any one.]

Resolved, that it is the opinion of this committee, that the following bounties shall be paid : 500l. to the ship that shall bring home the greatest quantity of oil, being the oil of not less than one whale, caught in seas to the South of the Greenland and Davis's Streights fisheries ; 400l. to the first that shall bring home the next greatest quantity ; 300l. to the next greatest quantity, and 200l. to the next greatest quantity.

Resolved, that it is the opinion of this committee, that the duties on the import of oil, blubber, bone, &c. from Newfoundland, &c. shall cease and determine.

[He explained this point by observing, that while these imports from Greenland were allowed duty-free, the same from Newfoundland, &c. were charged with a duty ; an absurdity he was till lately ignorant of.]

Resolved, it is the opinion of this committee, that the duties at present payable on the importation of seal skins shall cease and determine.

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[Lord North said, that it appeared from Mr. Lister's examination, that many more seal skins would be imported, (*See page 290*) were it not for a duty of about four-pence halfpenny each, which they paid at present; it was therefore thought right to exonerate them from that charge.]

Resolved, it is the opinion of this committee, that it shall be lawful for the subjects of Ireland to export provisions, hooks, lines, nets, tools and implements for the purpose of the fishery.

[He remarked, that the Irish being tied from these exports at present, was in effect excluding them from the fishery. He however observed, that this resolution must be followed with limitations, in order to prevent a clandestine supply of the colonies with Irish manufactures.]

Resolved, it is the opinion of this committee, that it shall be lawful to export from Ireland cloaths and accoutrements for such regiments on the Irish establishment as are employed abroad.

[His lordship remarked on this resolution, that as the Irish were burthened with the expence of several regiments serving elsewhere, which they were ill able to bear, he thought it but fair to allow them to export the cloathing and accoutrements of such regiments, which at present they could not do by law; that the export must be guarded very carefully against frauds, which would not be difficult, as the cloaths would consist only of uniforms.]

Resolved, it is the opinion of this committee, that a bounty of 5s. a barrel should be paid on the import to Ireland of flax-seed, from any place whatsoever.

[Upon this resolution Lord North said, that he had framed it much more in obedience to the desires and apprehensions of others than in consequence of any he had himself. But as some gentlemen were apprehensive that the non-exportation agreements of the colonies would be lasting, and have the effect of doing a great prejudice to Ireland, by withholding flax-seed; and as it was found that the seed raised in Ireland was not so good as that imported from abroad, he had in compliance of these ideas come into the present proposition. That his own opinion was directly contrary. He was clear, that engagements so very contrary to their interests, could never be lasting; however, for a limited time, he agreed to the bounty.]

These resolutions were all agreed to without opposition.

The other order of the day being read, for the House to resolve itself into a committee on the bill for incapacitating certain electors in the borough of Hindon. Counsel for the several

several persons whose names were included in said bills, were called in, and asked for what persons they were retained; and it appearing that one of the petitions, subscribed by 131 persons, had not been referred, and a doubt arising, in what manner that informality could be remedied, Sir George Savile expatiated on the great hardship there would be in condemning so many persons unheard, on a mere omission, proceeding from ignorance on the part of the petitioners. It was therefore agreed, that the chairman should report some progress, and move for leave to sit again; which being complied with, the petition was received by the House, and regularly referred to the committee.

Mr. *Thomas Dundas* moved, that enquiry might be made, Mr. Dundas. if Thomas Spencer, and John Becket, witnesses, ordered to attend the committee, were in the lobby, and no such persons being to be found, he moved, that Tho. Howell, one of the petitioners against the bill, might be called in; and the witness having contradicted himself in the course of his examination, relative to some expressions he had let fall, that if Francis Meed, summoned in support of the bill, would absent himself from his attendance on the House, Thomas Spencer and John Becket would do so likewise, the standing order of the House was read to him, which denounces the displeasure and punishment of the House for giving false evidence or prevaricating; but this not having the proper effect, Mr. Solicitor General moved, that Thomas Howell having grossly prevaricated in giving evidence before the committee, be, for his said offence committed to Newgate. Mr. Solicitor being doubtful in what manner regularly to proceed, wished to postpone his motion till the Speaker should resume the chair; but Mr. Dunning urging the necessity of immediately punishing the delinquent, as an example to the other witnesses, in the course of their future proceedings, and suggesting that the obstacle of the House being in a committee, might be easily removed, by the chairman reporting some progress, and desiring leave to sit again, the expedient was adopted, and Howell immediately committed to Newgate.

William Lucas and Henry Chant, were severally called in and examined, relative to their being in company with Spencer and Becket the preceding evening, at the Star and Garter, in Palace-Yard, after the rising of the House; and having in the course of their examination contradicted each other, they were confronted, and in the course of their second examination having varied almost throughout from the matter first given in evidence, after an examination of full three

hours, Mr. Solicitor General moved, in the like terms for their commitment to the Gate-House. He was again seconded by Mr. Dunning; and, as on the former occasion, Mr. Speaker was directed to make out warrants for their commitment.

Mr. Dundas. Mr. Thomas Dundas, it being now past twelve o'clock, moved, that the chairman do report to the House, that Thomas Spencer and John Becket, two of the persons ordered to attend said committee, had not attended, &c. but purposely kept out of the way; and the Speaker having finally resumed the chair, and acquainted the House with the said resolution of the committee, Mr. Dundas then moved the House, that Mr. Speaker do issue his warrant, that the said Spencer and Becket, for their said absence and contempt of the orders of the House, be sent for in the custody of the Serjeant of Arms.

April 28.

Resolved, That the sum of one hundred thousand pounds be granted to his Majesty, as and for the money laid out in the purchase of the Queen's House, and in rendering the same convenient for a royal palace, and in consideration of his Majesty's palace of Somerset House being converted, and applied for the future, to the purpose of holding and keeping therein certain public offices.

A bill ordered to be brought in, to settle The Queen's House, heretofore called Buckingham House, on the Queen.

Adjourned to May 1.

May 1.

A Petition of James Layman and William Stone, on behalf of themselves and others, proprietors of the Antigallican private ship of war, was presented by Mr. Alderman Sawbridge, and read; setting forth, that the proprietors fitted out the said ship, at an expence of £. 10,453; and, on the 26th of December 1756, she made a lawful capture of the Duc de Penthièvre, a French ship from China, valued at £. 335,000, which prize was condemned at Gibraltar, the 28th of February following; and that, on the 2d of March 1757, the Antigallican and her prize, being in the port of Cadiz, the Spaniards, with force and violence, seized the said prize, without any reasonable ground for such procedure; and that, after various applications to the Spanish ministers for redress, they, instead of relieving the petitioners, ordered the ship Antigallican to be also seized, which was accordingly done, on the 11th of August following; and that the petitioners have never received the least satisfaction for the injury; and that his Majesty gave the proprietors his royal word that the

petitioners

petitioners should be relieved by an article in the late peace, and that orders were given for that purpose, which were, by some fatal delay or neglect, never complied with; and the petitioners are well assured that copies of such orders, and other material papers relative thereto; are now in the late lord Egremont's office; and that the petitioners apprehend, that the proprietors, being Englishmen, have a claim of protection, both in their liberty and property, from that government which they contribute to support, particularly as their case is a public insult to the whole nation; and therefore praying the House, that they may be relieved in such manner as the House shall see proper.

Mr. *Sawbridge* moved, that the said petition be referred to Mr. *Sawbridge* the consideration of a committee; and that they do examine the matter thereof, and report the same, as it shall appear to them, to the House.

Lord *North* opposed the motion. Said the mode of application was improper, and that the sense of the House had been formerly taken on the same subject.

It passed in the Negative.

Mr. *Whitbread* on the 25th ult. having moved the House to resolve itself into a committee to consider of the facts stated in a petition, then presented by him from the resident burgesses of the town of Bedford, and from the burgesses at large, entitled to the freedom of the said borough, by birth or servitude, setting forth, among other things, that the corporation had made, in one day, in the year 1769, upwards of 500 honorary burgesses; and in the course of the said year, 611, in order to answer certain undue and unconstitutional purposes.

Sir *William Wake* moved, that said order be discharged. Sir *William Wake*. He owned the facts to be true, but contended that the power of making honorary freemen was vested in the borough; that the motives to it, on the present occasion, were laudable, as they arose from an intention to rescue it out of the hands of a certain noble duke, who had obtained an undue influence over the elections for members to represent the said borough in parliament; that the House was incompetent to enter into such an enquiry; and that the Durham act must prevent any real or substantial abuse of the power now attempted to be wrested out of the hands of the corporation.

Mr. *Whitbread* entered into a very long defence of the original motion. He said the grievance was of the first magnitude; that it would, in all probability, extend itself to every other borough in the kingdom, where the power of making honorary freemen was exercised; that it divested the real vo-

ters of those rights they were entitled to by birth or servitude, and transferred them to aliens and strangers; and moved that the proceedings of the House, and the resolution which followed them in the year 1747, might be read, wherein a similar abuse of the power of the corporation of Gloucester, to admit persons not claiming by birth or servitude, was directly pointed and effectually condemned.

The question was put, on Sir William Wake's motion. The house divided. Ayes 37; Noes 71.

May 2.

Two messengers belonging to the House were examined, relative to their enquiries for Spencer and Becket, two of the witnesses on the Hindon election, who had absented themselves and whom they had orders to take into custody; when it appeared they were not to be found. Mr. Thomas Dundas moved, that Richard Smith and Faslam Nairne Esqrs. be ordered to attend on the 8th, as he supposed those gentlemen, from their intimacy with Spencer and Becket would be able to give such an account, in the course of their examination, as would lead to their discovery.

The House then went into the order of the day, and resolved itself into a committee on the bill for giving a perpetuity to Mr. Phillips, in a rock called the Smalls, in St. George's Channel, for the purpose of erecting a light-house thereon; and with a power of collecting certain duties for the maintenance thereof, in conformity to the terms of a grant made of said rock and duties for fifty years, by his Majesty's letters patent. Some witnesses were examined as to the construction of the light-house, its height, the description of the rock on which it is to be erected, and its utility in preventing vessels which pass that way from either falling in with said rock itself, or with St. David's rocks and Carmarthen Bay, on the Welsh coast, or the Tuskar rocks on the Irish. After the evidence was finished, a debate ensued, in which, Mr. Rice, Mr. Mackworth, Captain Luttrell, Mr. Burke, Lord Folkestone, Sir William Meredith, Mr. Whitworth, Lord Frederick Campbell, and Mr. Gascoigne, took part; when the question being put, the committee divided. Ayes 37; Noes 32.

May 3.

Lord North. Lord North moved for a committee of supply, preparatory to his opening the budget; when he moved the following resolutions, which were agreed to.

That persons who on the 24th of April last were possessed of 3 per cent. annuities, shall be at liberty to accept 88l. for every 100l. towards the redemption of 1,000,000l. of the said funds

funds or stocks ; one moiety to be paid on or before the 15th of July, and the other moiety on or before the 20th of October next, with interest to the 5th of July 1775 ; and for every 100l. of such subscription, shall receive six tickets in a lottery to consist of 60,000 tickets at 12l. 10s. each ; and the capital stock of such subscription shall be annihilated. That books shall be opened at the bank, the 8th of May, from nine in the morning till six in the afternoon, for the purpose of receiving said subscription. No person to subscribe more than 20,000l. nor less than 100l. and after the whole is summed up, the same to be rateably divided among the subscribers, in proportion to the quantity of stock subscribed, over and above the said 1,000,000l. of annuities to be so annihilated.

That towards raising the supply, 1,915,552l. 16s. 11d. be issued out of the sinking fund.

That 1,250,000l. be raised by loans on exchequer bills, to be charged on the first aids, to be granted next session.

That 15,000l. out of the monies remaining in the Exchequer the 5th of April, 1766, the produce of American duties, be applied towards maintaining the forces and garrisons in the plantations.

That monies paid into the Exchequer after the 5th of April, 1775, and before the 5th of April, 1776, produce of the duties on the importation and exportation of gum senega and gum Arabic, be applied towards the supply.

He observed, that 3,800,000l. of light or diminished money had been paid into the Bank, under the first act ; that 4,800,000l. had been paid in like manner, under the royal proclamation of receiving guineas not under five pennyweights three grains, nor more than six grains ; that it was computed, that when the second proclamation was issued for calling in all guineas under full standard, that upwards of 4,000,000l. more would be called in, the whole amounting to about 14,000,000l. and the expence of melting down, receiving, interest paid to the Bank, gratuities to the country commissioners, and re-coinage to about 650,000l. ; that the deficiencies on land and malt were computed at 450,000l. that is, 50,000l. lower than they were the last year ; that the whole of the grants consisted of the land and malt, estimated at 2,250,000l. the Exchequer bills 1,250,000l. the profits on a lottery 150,000l. the produce of the sinking fund, from the 5th of January to the 5th of April, 886,000l. the three next quarters produce of said fund 1,915,000l. which would make the whole of the sinking fund 2,800,000l. and miscellaneous

laneous savings, with the expected produce of the sale of French prizes 17,000*l.* and sales of lands in the ceded islands 50,000*l.* taken together, would amount to 300,000*l.*; while on the other hand the services were, the navy 1,700,000*l.* the ordnance 300,000*l.* the army 1,600,000*l.* Exchequer bills of last year 1,250,000*l.* army extraordinaries 270,000*l.* miscellaneous of grants and coinage 348,000*l.* So that on the whole, the grants would be 6,550,000*l.* and the services voted 5,550,000*l.* which would leave a surplus of 1,000,000*l.* excess of grants, with which he proposed to pay off the above 1,000,000*l.* of three *per cent.* annuities, for the sum of 880,000*l.* which last surplus again of 120,000*l.* would remain to make good the deficiencies of the grants, or to balance the 100,000*l.* voted for the purchase of the Queen's palace and Somerset-house. His lordship then proceeded to state the public debts, as they appeared on the 5th of January last, compared with their amount on the 5th of January, 1763. At the latter period they were 123 millions funded, and 13 millions unfunded, which, with the fractions, made in the whole 136 millions; at the former, funded 124 millions, funded three millions, unfounded in the whole 127 millions, paid off nine millions. His lordship did not state the respective interests paid at those periods, but generally stated the decrease in the following manner: total decrease on the whole 440,000*l.* *per ann.* and 30,000*l.* by the present operation, in the whole 470,000*l.* out of which take for the navy bills unfunded 20,000*l.* and the Exchequer bills in circulation, at four *per cent.* 40,000*l.* both these sums, with the trifling discount on navy and victualling bills, would leave a clear decrease in the interest money paid to the public creditors of the sum of 400,000*l.* *per ann.* After he had stated the several sums necessary to the explanation of the financial operation, which he was about to submit to the House, observed, that the nation might think that the reduction of the national debt proceeded very slowly; but when it was considered on one hand, the very heavy burthens contracted during the late glorious and successful war, the consequent increase of interest, and that that war was entered into at the express desire of the people, joined with the numerous and singular advantages derived to this country, both in respect of commerce and territory, the nation uniting all these considerations, had much less reason to be impatient or complain. The four great wars we have maintained since the Revolution (says his lordship) neither originated from the ambition of our princes, nor the corruption of our ministers; and the vast

vast sums expended, however enormous, or heavily at present we may feel the weight, were for the most part laid out either directly in the protection or advancement of our own immediate interests, or in upholding those, with which they were essentially connected. Our endeavours have in general corresponded to the glory of our motives, and the magnitude of our designs, as taking the lead among the great powers of Europe, by protecting others, securing our own interests, and setting limits to the ambition of the enemies of both. The war commenced at the revolution, was a popular war; so was that which followed about the succession. The rupture in 1739 with Spain, originated entirely in popular motives. I will not, however, pretend to say it was as well founded as the two preceding, at least so well timed, though I have no doubt that it might in the end become as necessary. The late war, I repeat again, was, if possible, still more popular than any of the rest, as it was in the beginning undertaken without any view to continental connections, but purely to protect our subjects in America, which I shall ever think ought to be a very strong incentive to them to assist us to alleviate those burthens we now feel, and of which they have been the primary cause. I will now beg leave to return to the subject that naturally falls more immediately under the consideration this day, which is the reduction of this heavy load of debt, and the approbation of the fund allotted for that purpose to other uses. A person of confessed ingenuity [Dr. Price] has written a pamphlet with great ability on this subject, and condemned the great minister [Walpole] who first devised the sinking fund, for departing from his own plan. I admire the ingenuity of the author. I have partly, since I came into my present situation, adopted his plan of reduction as much as times and circumstances would permit; yet I am far from approving all of what he recommends; nor can I lightly condemn an able minister, of approved judgment, high abilities, and great experience, while I remain ignorant of the true motives which influenced his conduct, or perhaps the total impracticability of his acting up to his own ideas: plans on paper, or measures proposed in the closet often becoming difficult in the execution, or inexpedient, tho' they should be practicable. Another very popular topic is, taking off the taxes from the necessaries of life, in order to relieve the lower order of the people. Besides a thousand impediments, that I shall forbear to insist on, which might grow out of such a measure, to obstruct it, I fear it would not answer the ends proposed, though every possible obstruction

tion were removed, because the effect might be, that the tax would be lost, and the revenue suffer, without the least benefit to the consumer, as means would be probably devised still to keep the commodity up at the taxed price. On the whole, the vast riches of this country, its extensive credit, which it has never yet violated in respect of either its domestic or foreign creditors, its prodigious commerce, its surprising paper circulation, which must be immense, when it is considered that the money alone in circulation is considerably more than fourteen millions, as appears by the documents this day referred to; all this great system of power, riches, and external strength, I say, taken together, with the magnificence, splendor, and luxury of individuals, induce me to believe, that though the national and consequent annual burthens be enormous, they are far from being disproportioned to our abilities to pay. I just beg leave to mention one circumstance more before I sit down, to shew the difficulty of a hasty reduction of the public debts, by the means we are necessarily obliged to pursue. A very able deceased minister [Mr. Pelham] reduced the national debt, by lowering the interest; we are necessitated to effect the same purpose, by paying off the principal itself, our progress must be therefore more slow. That gentleman payed off twenty millions with ease, by only laying an obligation on the annuitants, to receive their principal, or reduce their annuities; and the consequence was, that they gladly accepted of the offer, and consented to take three instead of four *per cent.* What was the reason then? and what would be the probable consequence now? The funds were up at par at the former period; they are now considerably below, owing, it may be presumed, to the greater quantity being in the market, so that the public creditors would at this period be as desirous of receiving their capitals, as they were at the former to accept of the reduced annuities. I do therefore recur to my first assertion, that we must proceed slowly in the proposed reduction, or lay on new taxes, in order to effect our purpose with greater facility and expedition; for I repeat it again, there is no other method of getting at the principal, but either by reducing it directly by specific payments of the capital, or by being able, by the rise of the fund, to lower the interest.

Mr. Hartley.

Mr. Hartley rose chiefly to point out to his lordship the impropriety of anticipating the produce of the sinking fund, and of charging more on it than it would be able to bear; the manner of making up the accounts at the Exchequer for the last year, which produced a surplus of 200,000*l.* or the

total

A. 1775.

D E B A T E S.

451

total receipt of one week, with part of the debt payed in by the East India company, having swelled the sinking fund much beyond its natural size. That therefore the sum it was now rated at, was considerably too high. He next entered into a string of observations, relative to the ill-judged policy of pushing matters to extremity with America, and the probability, nay the inevitable certainty, of the interference of France and Spain; and of a general European war, should the sword be once drawn against our brethren on the other side of the Atlantic. He concluded with drawing a most melancholy picture of the consequences such an event must produce, in its operations on our trade, manufactures, finances, public credit, external strength, and internal prosperity; reminding the country gentlemen, at the same time, that this would in all probability be the last year they would even in time of peace enjoy the benefit of a 3s. in the pound land-tax, though they had been prevailed on to give their support to measures so evidently destructive of their own interest, and of the nation at large, because they were in the first instance to bear no part of the additional burthens such measures were to create.

Mr. *Vyner* answered, that he was certain the landed gentlemen were not actuated by the motives imputed to them by the honourable gentleman; [Mr. Hartley] but purely from the apparent necessity of the measure itself, in support of which they were ready to risque any event whatever, sooner than forego those advantages of trade and riches which were inseparably involved in the supremacy of Great Britain over her colonies; for were that once given up the others would soon follow. In support of such a cause, therefore, he was willing to pay not only 4s. but 14s. in the pound: and as he entertained not a single doubt but we should prevail in the contest, we ought to oblige America to pay the expence she had wantonly put us to, and which would likewise enable us to bring back our quondam peace establishment, that of a land tax of 2s. in the pound.

Mr. *T. Townshend*, after condemning the bad policy of reducing the land Tax, from 4s. to 3s. in the pound, some years since, as one great means of retarding the reduction of the national debt, observed upon two items, for which his lordship took credit; one was a sum of 17,000l. charged on the sale of French prizes in the West Indies, the other a sum of 50,000l. said to be the produce of sales of the lands in the ceded islands, which have been voted regularly, year after year,

○ ○ ○

since

since 1771; and had as regularly returned into the ways and means, without a shilling of them being actually brought to the credit of public account.

Lord North. Lord North replied, that one honourable gentleman seemed to delight in drawing a gloomy picture of the dreadful consequences of breaking with America. He said the predicted evils would be easily averted, by America returning to its duty. There had been an offer made which would at once obviate all difficulties, if they were sincere; if not, and that they should pertinaciously refuse terms virtually correspondent to their own ideas, the question would then be a very simple one; that is, whether they were to be independent, or whether we should avail ourselves of those rights we were indubitably entitled to, in order to secure to the nation those great benefits derived from our trade and commerce with that country, which must be for ever lost, if we acquiesced in the unreasonable and unnatural claims it now set up. As to the honourable gentleman's fears respecting a breach with our colonies being productive of a French and Spanish war, his lordship replied, that the wisdom and prudence of the French Minister would prevent him, as a friend to the interest of his country, to hazard any such experiment; nevertheless, France was an opulent, powerful nation, abounding in native wealth, and internal strength, and might break with us, either now, or in the event of an American civil war, if she pleased, nor could he see how any mode of stating an account of debtor and creditor on the present occasion, could possibly prevent it.

Gov. Johnstone. Governor Johnstone closed the conversation by observing, that though his lordship was no conjurer, to effect miracles by stating an account, it had always been customary with the minister, on this day, to give a kind of state of the nation, both respecting her finances, the terms she stood on with foreign powers, and the general posture of affairs in Europe. This mode had been likewise adopted by his lordship uniformly, since his coming into office; it was a matter of the first consequence to the commercial part of the nation, as a means of preventing public and private imposition, by preventing artful men from improperly operating on our funds. The reason of the thing was as clear, he said, as the custom was invariable; and is it not for this very purpose, says he, that you admit the merchants and traders of London this day into your gallery. Besides, I remember on the last occasion of this kind, how much this house was edified, by the extensive knowledge, and minute information given by the noble lord,

lord, respecting the political state of France, her annual revenues, incumbrances, &c. [*See the Parliamentary Debates for 1774, page 255, &c.*] Then it was poor, weak, ruined, bankrupt France, unable to lift her head. Now, within twelve months, the face of things are changed; she is rich, powerful, and opulent; and we are told that we have no other assurance of the preservation of the public tranquility, not even for a day, or an hour, but the wisdom of her councils, and the prudence and political discretion of her ministers. Whatever I might have thought of his lordship's former account, I certainly agree with him in the latter; and though the administration in that country be not yet formed, so as to act upon any permanent system, I believe as soon as that event takes place, we may expect to be engaged in a war with the two branches of the house of Bourbon; and I believe, likewise, the present approaching breach with our colonies, will be the means of accelerating it.

S U P P L I E S, 1775.

N A V Y.

	£.	s.	d.	£.	s.	d.
18,000 Seamen —	936,000	0	0			
Building and repairing ships —	297,379	0	0			
Ordinary of Navy —	440,680	15	10			
				1,674,059	15	10

O R D N A N C E.

Ordinaries —	228,059	1	7			
Extraordinaries	32,748	5	3			
				260,807	6	10

A R M Y.

17,547 Landmen —	627,689	19	4			
4,383 ditto —	67,706	12	1			
Guards and garrisons	386,186	0	10½			
Differences between British and Irish pay —	2,874	4	9			
General and staff officers —	11,473	18	6½			

Carry over 1,095,921 15 6½ 1,934,867 2 8
 O o o 2 Chelsea

	£.	s.	d.	£.	s.	d.
Brought over	1,095,921	15	6½	1,934,867	2	8
Chelsea hospital -	122,221	15	5			
Reduced officers -	105,326	16	8			
Horse guards reduced	870	3	9			
Pensions to widows	628	0	0			
Difference between British and Irish pay - - }	9,536	10	7			
Land extras - -	262,537	7	10½			
				1,597,051	9	9½

MISCELLANEOUS SERVICES.

Greenwich hospital -	6,000	0	0
British Museum - -	3,000	0	0
Levant Company -	5,000	0	0
Nova Scotia - -	4,346	10	5
Georgia - -	3,086	0	0
East Florida - -	4,950	0	0
West Florida -	5,450	0	0
American surveys -	1,885	4	0
Senegambia - -	6,336	0	9½
Charts of Great Bri- tain and Ireland }	2,145	0	0
Charts of North A- merica - }	3,711	15	0
African forts -	13,000	0	0
Common addressees -	12,578	14	9
Cleaning Barbadoes harbour - }	5,000	0	0
Expences preventing distempers among horned cattle }	1,684	15	10
Roads and bridges in North Britain }	6,998	10	7
Further deficiency in the gold coin }	46,846	9	3
Extras of Mint -	22,824	19	9
Further expence of coinage - }	11,716	0	1½

166,559 19 . 9

8 Carry over

3,698,478 12 2½

DEFL-

Brought over

£. s. d.
3,698,478 12 2½

DEFICIENCIES.

Land	-	-	223,168	0	0
Malt	-	-	227,832	0	0
Grants 1774	-	-	112,528	2	5½
Fund 3½ per cent. 1758			45,446	8	2

607,974 10 7½

Exchequer bills discharged - }

1,250,000 0 0

TOTAL of SUPPLIES as stated by Lord North - }

5,556,453 2 10

1,000,000l. 3 per cents discharged } 880,000 0 0

Surplus of Ways and Means, to answer defalcation of any doubtful articles of Ways & Means } 122,793 6 2

SURPLUS of WAYS and MEANS }
disposed of by Lord North, as above }

1,002,793 6 2

6,559,246 9 0

WAYS and MEANS, 1775.

	£.	s.	d.
Land 3s. - -	1,500,000	0	0
Malt - -	750,000	0	0
Sinking Fund, 5th } January - - }	11,239	10	0
Ditto 5th } April - - }	884,447	3	10½
Ditto growing produce	1,904,313	6	1½
Exch. Bills renewed	1,250,000	0	0
Profit on a lottery -	150,000	0	0

Carry over 6,449,900 0 0

American

	£.	s.	d.
Brought over	6,449,900	0	0
American revenues -	15,000	0	0
Gum Seneca -	5,000	0	0
French prize money	17,000	0	0
Sale of the ceded islands	50,000	0	0
Sundry surplusses in the Exchequer, con- sisting of surpluf- ses of duty on rice, apples, cambrick, militia money, &c.	22,246	9	0

TOTAL of WAYS and MEANS by }
Lord North's account - - } 6,559,246 9 0

SUPPLIES of 1774 and 1775 COMPARED by
Lord North.

	1774.			1775.			
	£.	s.	d.	£.	s.	d.	
Navy	1,904,917	4	3	1,674,059	15	10	230,857 8 5 decrease
Ordnance	271,124	17	7	260,807	6	10	10,317 10 9 ditto
Army	1,549,720	14	8	1,597,051	9	9½	47,330 15 1½ increase
Deficiencies	552,457	3	3	607,974	10	7½	55,517 7 4½ ditto
Miscellaneous services	60,252	13	0	166,559	19	9	106,307 6 9 ditto

May 4.

Sir George Yonge. Order of the day for taking into consideration the report from the select committee appointed to try the Shaftesbury election, Sir George Yonge, chairman of that committee, observed, that as the minister had said the parliament would rise on the 25th, he should move, that the consideration of the report be deferred till early in the next session. He thought it, however, necessary, in order to shew the propriety of the resolutions reported and agreed to by the House, that such parts of the minutes of the evidence taken before the committee, as proved the bribery and corruption, and pointed out the magnitude and extent so as to make them worthy of the consideration of parliament, should be read. The same being read accordingly, he moved further, that the Speaker do not issue his writ for electing another burgesses to represent said borough in parliament till after the next recess. Some doubt arising, relative to the construction of the late act for empowering the Speaker to issue his writ, notwithstanding any

any prorogation or adjournment of the House, it was at length agreed, to bring in a bill to amend and explain the said act; or rather to suspend it, with regard to Shaftsbury only: which was agreed to.

The British and Irish fishery bill, was presented, and read. No debate.

The bill to permit the exportation of woollen cloth, for the use of such of his Majesty's troops on the Irish establishment, as serve out of that kingdom, in his Majesty's garrisons abroad, or the plantations in North America, or the British Islands in the West Indies, presented, and read. No debate.

The five resolutions from the committee of supply yesterday, reported and agreed to.

Mr. *Pulteney* objected to one of the *items*, respecting the recoinage, in which 46,000*l.* had been allowed to the bank, while in his opinion, the whole of the operation, instead of being made a cause of laying an additional burthen on the public, was a matter of great favour to the bank, as it gave them the temporary means of upholding their credit, which at the time rested but upon a very precarious and weak foundation.

Lord *North* answered by arithmetical computations of fluxing the coin, and rendering it into bars or ingots, interest arising on the money returned, &c.

Mr. *Pulteney* replied generally, that a turn was to be served, no matter how dear the public was to pay for it.

May 5

Private business.

Adjourned to May 8.

May 8.

General Smyth being called in, and asked where he had last seen Becket or Spencer; he replied, he understood that he was not obliged to answer any question which might lead to criminate himself; that therefore, with the indulgence of the House, he chose to decline it. He was then asked, when he had last seen them; he replied, not since Monday three weeks, the 16th of April.

Captain Nairne called in, and examined in the same manner. The purport of his replies was, that he had not seen Becket or Spencer since he was in their company at the Star and Garter in Palace-Yard, the day before they absented themselves.

This short examination being finished, Mr. *Dundas* observed, that as the session was drawing to a close, and that there was no probability that the witnesses would attend during the remainder

remainder of the present session, and if they should, that it would be too late, he meant to move the House, were it agreeable to the friends of the bill, that the further consideration of it should be deferred till next session.

Mr. Byng. Mr. *Byng* said, that for his own part he was well satisfied of the propriety of what was now offered, but he should be extremely sorry that any idea should prevail either within or without doors, that it was intended to give up the bill, because, for want of necessary evidence, it might be thought prudent to postpone the further consideration till the time now proposed.

A doubt now arose in what manner to proceed, and a member having suggested that the order be discharged, and another, that the further consideration of the bill be put off for three months.

Sir George Yonge. Sir *George Yonge* observed, that from the nature of the business, the expectations of the public, and the peculiar manner the House were called upon to exert themselves, an adjournment of three months would be extremely improper, as it might import that all further proceedings were at an end; instead therefore of adjourning the business generally, or for three months, which would be in fact deserting the principle the gentlemen of the committee and the House had hitherto acted on, he recommended some specific declaration or resolution of the House, which would convince the public that neither one nor the other had the most distant intention of stopping short in their enquiries towards the attainment of justice, but on the contrary were determined to punish the delinquents of every size and complexion, by way of example, to the very utmost.

Mr. Dundas. Mr. *Dundas* then moved, that the order be discharged, and that the report from the committee be taken into consideration as early as possible next session.

Mr. Byng. Mr. *Byng* observed, that though the House could not, for want of evidence, go through with the bill, yet it became highly incumbent on them to leave nothing undone that was within their power; he therefore moved, that no writ be issued for electing burgesses to serve in parliament till after the said report be taken into consideration.

Mr. Fox. Mr. *Fox* condemned this mode of proceeding loudly, and in the course of a very warm speech, lamented that the House had lost all power and energy, and that their orders were condemned. He attributed this humiliating situation to the united conduct of such as profess themselves the friends of popularity, and those who were resolved to keep their places at all events,

events, by which means the rights and privileges of the House of Commons had been shamefully betrayed. He instanced the case of J. Miller, the printer of the London Evening, the conduct of the city magistrates on that occasion, and the timid behaviour of administration, who after appointing a committee, and putting the gentlemen who served on it to an infinite deal of trouble, permitted the offenders to escape with impunity, or rather to go off in triumph.

Mr. *Solicitor General* replied to Mr. Fox, and endeavoured to shew the absurdity of his mode of arguing, by advising the House to stop all further proceedings, because the witnesses kept out of the way. He was inclined to think, he said, that the contempt now shewn ought to induce the House to act with spirit and vigour, and instead of permitting the writs to be issued, the only event, he supposed, the offenders and their friends wished for, he would recommend that some signal mark of the displeasure of the House ought to be expressed against those who directly refused to obey its orders. He then moved, that an address be presented to his Majesty for issuing a proclamation, and offering a reward for apprehending of Thomas Spencer, and John Becket. This was agreed to *nem. con.*

The House was preparing to rise, when Mr. *Grenville* observed, that however desirous the House might be to punish the great offenders, he would be much better pleased as to the merits of the business at large, they were dealt with according to law; that in his opinion the bribers were much more criminal than the bribed; that while those who occasioned the mischief were suffered to escape, it would be to no purpose to punish the inferior actors and instruments; and that on the whole, considering every resolution as an *ex post facto* law, enacted for the particular purpose, he would be much better pleased to have the delinquents suffer by the weight of the laws already in being. He added, that it required no proof, no evidence, and could occasion no diversity of opinion; for the grounds of the motions he intended to make were plain and simple, and founded in the resolutions of the House itself, for they grew out of those of the 23d of February, and the standing order renewed at the commencement of every session. He then moved, that the four resolutions of the 23d of February might be read, which declare the four candidates at the late election for members to serve in parliament for the Borough of Hindon, to have been guilty of bribery, and the next the standing order of the 5th of December, which ordains, that any person who shall be found

guilty of bribery shall be prosecuted to the utmost extent. This being complied with, he moved, in the words of the resolution, that for his said offence the Attorney General be ordered to prosecute Richard Smyth, Esq.

Sir John
Wrottesley.

Sir John Wrottesley said, he would early in the next session move for leave to bring in a bill, to disqualify in future any person from sitting in parliament, who shall be convicted of bribery, before any of the committees chosen to determine controverted elections.

Mr. Dun-
ning.

Mr. Dunning objected to an indiscriminate prosecution, as he contended that the offences differed, and that in particular the supposed criminality of Mr. Beckford was very doubtful, and far from being satisfactory.

Mr. Gren-
ville.

Mr. Grenville replied, that Mr. Beckford's case rested on the same ground with the rest, for the act against bribery makes no difference between actual bribery and a promise to bribe.

Mr. Dun-
ning.

Mr. Dunning urged the impropriety of prosecuting on the statute, in order to recover the penalties; but said, he presumed the prosecution would be carried on against the offence, as it stood by common law, in which event it would answer very little purpose; as, after conviction, it would lie in the breast of the court to inflict what degree of punishment they pleased, such as a fine of 5s. or a month's imprisonment.

Mr. Gren-
ville.

Mr. Grenville answered that it was no part of his motion to direct the mode of prosecution; that all the House meant to do, was to give directions for carrying it on, but he could see no impropriety in prosecuting on the statute, nor of applying the penalties, if recovered, towards defraying the expence.

Hon. Tem-
ple Luttrell.

Hon. Mr. Temple Luttrell. However seriously the business of this day may end, I can but observe as a scene truly farcical, the air of surprize and of abhorrence which certain gentlemen facing me put on at hearing of bribery in a borough election;—somewhat like the stern legislators of old, who were to decide upon a crime against which the law had provided no punishment, holding it of too black a dye for human nature to commit.

Sir, I have always understood candor and moderation to be among the best attributes of a judge; that while he is sitting in judgment upon the iniquity of others, he should himself be clad with the robe of innocence. Sir, we seem completely to have adopted the Spartan maxim, that guilt belongs rather to the misfortune of being found out, than to the actual commission of a bad offence.

It may indeed be prudent or incumbent upon us to render more effectual the statutes now in being against such electors as sell their votes: but there are, I presume, no parliamentary regulations, as to candidates who attempt to purchase a seat, excepting the statute for bribery, which lays a fine of five hundred pounds, and which can be recovered, as the law stands at this day, so as to answer the charges of prosecution, and carry with it an adequate punishment to the guilty. The candidate is not a trustee for the public, as is the case with the elector, who ought freely and conscientiously to return such substitute as he thinks best qualified to discharge the important duties of a member of parliament. The candidate may perhaps be a man of considerable fortune, and as such deeply interested in the welfare of the state; and however indirect the means he uses to succeed, the ends he has in view may not be not illaudable; though he gain a seat by undue influence, he may for his own sake act in it for the benefit of the community; and if he escape detection, he will scarce be accounted among the most dependent members of your body. If (like the present objects of your wrath) he be convicted of bribing, he must lose the favourite design of his ambition; he is disgracefully cut off from Parliament, and liable to numberless actions of 500*l.* each; which, Sir, I repeat again, will, in my humble conception, amount to a punishment not far short of his crime. Besides, in the recent cases before us, the receivers of the bribes have perhaps been the corruptors. Here were no snares to entrap the unwary, no profered temptation to pervert the innocent minds of a simple set of rustics. A fixed system of venality has, it seems, been delivered down at Hindon, from sire to son, through many generations; and a candidate, with the talents of a Burleigh, added to the integrity of a Tillotson, and every polite grace of Sir Philip Sidney; in short, with all the pretensions of the honourable member who made this motion, must have stood little chance against the devil himself, with a *dancing punch* for his canvasser. But, Sr, though I hold it expedient to check these glaring abuses, I am persuaded that the head-strong voters of Hindon saw not the full scope of their wickedness; they have sinned after the highest examples in this country, with the extenuation, that the sin has in them proceeded rather from *bad habit* than *bad hearts*. And, Sir, where the laws have lain long dormant, as has been too sensibly the case throughout Great Britain in bribery at elections (as well with regard to the giver as the receiver) they should not, I think, be thus suddenly awakened to their full-

est exertion and rigour. Recollect, Sir, that an honourable member over the way [Sir John Wrottesley] has given us hopes he will introduce a bill, at the opening of the next session, which must perfectly remedy the alarming evil now in question.

Respecting the complaint about *an oriental torrent*, we are to observe, that the principal actors at Shaftsbury and at Hindon are Nabobs, a species of animal which it has become the fashion of the times to hunt down with a degree of ferocity and inhumanity, that men, endued by nature with the very best feelings, openly profess against whatever game they deem fittest for their sport. Sir, it is objected to these Nabobs, that they have amassed riches with more rapidity than pains or desert; that some individuals of them have, by unwarrantable, not to say savage practices, attained to wealth and pre-eminence in these kingdoms. But I see gentlemen in the very front line of this enquiry who will, I should think, scarce quarrel with them on that score; and indiscriminately to cry down any set of men whatever, under a general denomination, involving the worthy with the unworthy, the guilty with the guiltless, is so far from being a commendable pursuit, that it ought to meet speedy discountenance from the justice, the honour, and impartiality of the House of Commons. - But, Sir, I am sorry to perceive something like the dregs of that envy and rancour which the last Parliament (frontless as it was in many of its misdeeds) upon mature consideration, blushed to have ever harboured against a noble lord [Lord Clive] now deceased; who stood on this floor to a very fiery ordeal. With all his imperfections, Sir, he surely possessed eminent qualities, and was a useful subject to this empire. Sir, these Nabobs have poured immense treasures into the lap of the British monarchy; and were I now to select a character as a peculiar ornament to your own body, while he does honour to human nature, I should point to a man who owes his consequence and his property to Indian traffic*.

But, says the country gentleman, why should these Nabobs obtrude upon our hereditary and natural interest? Sir, in a commercial land like ours, I would call that no unnatural interest, which arises from emigrative adventure and successful industry. If trade had never set her foot on the proud,
beggarly

* Lord Pigot; or, most probably, Mr. Robert Gregory, member for Rochester.

beggarly dominion of your home-keeping feudists, we should hardly have become the free, opulent, glorious nation we now find ourselves. Are you again, Sir, desirous to see aristocracy hold the Commons in vassalage? There are but too many boroughs still held by so unconstitutional a tenure. One Jew broker, with a borough like that of Old Sarum in his pocket, may surely wound the privileges and independency of Parliament full as deep as all the profligate Christians of the New Shoreham club. Sir, the more contracted the channel for bribery, the better will be the chance for secrecy, and the more danger to the public of illicit contracts.

Let those patriots who seem to be staunch and high-scented against the corruption of these our degenerate days not thus stand pruning the shoots merely to make the tree flourish with more genial luxuriance. Let them, if they are in earnest, lay the axe to the root of the evil. It is a great, a necessary task, and they will find full work enough for their eager virtue. But why will they confine themselves to the east? They should turn their eyes to a different point of the compass.

The increase of corruption is owing to a total exemption from punishment in certain elevated stations, not to the temper and mildness of your laws. An excellent classical writer says, in praise of the greatest nation this world has known, that no people were ever sonder of moderation in punishments than they were. But, Sir, I trust the inhabitants of this island are full as well entitled to that encomium, and will still continue to be so.

As long as I have the honour of a seat in this House, I will at all times, and on all occasions, steadfastly resist oppression or partial severity from whatsoever quarter it may come.

The franchise of every citizen constitutes a part of the public liberty, and ought therefore to be touched with a very delicate hand. But, Sir, above all, I am for circumspection, and a lenient chastisement in these cases, lest by attempting to reform a lesser mischief, we induce a greater, and an incorrigible one. Consider, Sir, the extreme profligacy of many of the lower orders of men who have appeared before your election committees, and how little they regard the crime or punishment of perjury. Might it not be practicable to suborn such wretches falsely to swear to the actual commission of bribery in a candidate? And how easily may disappointed ambition, party vengeance, or state intrigue, urge on the ruin of the guiltless in bills of pains and penalties?

I fear,

I fear, Sir, by putting the happiness and political existence both of the candidates and electors in the power of a ministerial majority, and by giving such majority a plea to new-mold your cities and borough towns, you will defeat the main object of Mr. Grenville's bill.

Sir, as this is the first occasion I have had to mention Mr. Grenville, I must request the indulgence of the House a minute longer, while I offer up my tributary incense to the *manes* of that great man; and, Sir, I presume it will not ill become me, whose name, at the opening of the present parliament, stood at the head of a long list of petitioners for justice before your new tribunal. Sir, I never enter these walls—I never pass from them, with Westminster-abbey full in sight, but I consider that edifice, however costly, however crowded, to be essentially defective as to its internal construction, while it wants a monument in memory of Mr. Grenville. I know, Sir, when he gave to this House the Palladium of the British constitution, he established a monument to his own fame, *are perennius*; a monument which cannot decay while history shall exist; but I could wish that the sense we all have of the blessings resulting to our country from his divine act, were recorded in yon venerable pile, which the gratuities of our forefathers has, through a long series of ages, made sacred to political wisdom and god-like achievement.

The question was put on the names of Richard Smyth, and Thomas Brand Hollis, Esq; and agreed to without any further opposition.

When the name of James Calthorpe, Esq; was mentioned, next in order, some gentlemen contended, that as this gentleman's agency was brought home to him by only one witness, and that witness being Chant, who was now suffering under a commitment for prevaricating and giving false evidence before a committee of this House, they thought it would be extremely improper to order a prosecution upon so slight and doubtful testimony. To this it was replied, that an opinion had obtained among the lower sort of people, that they were not bound to tell the truth, because they were not upon oath at the bar, as before the committee; but that however Chant's testimony was not the only proof that the money given through the hole in the malt-house was distributed by Becket and Bye, two of Mr. Calthorpe's agents. The question was at length put, and the House divided; ayes 109, noes 23.

The same mode of reasoning was used by Mr. Dunning and two or three more, in defence of Mr. Beckford, but the question being put, the House again divided; ayes 104, noes 21.

May

May 9.

Report from the committee on the bill for granting the rock called the Smalls to Mr. Philips of Liverpool. The motion to receive the report was opposed; but on a division was carried 64 against 47.

Private business.

May 10.

Committee of supply.

Private business.

May 11.

Spencer and Becket, the two Hindon voters who had absented themselves, surrendered, and were committed to Newgate.

Mr. Gilbert reported from the committee who were appointed to view and consider the several laws which concern the relief and settlement of the poor, and the laws relating to vagrants; and also the state of the several houses of correction, within that part of Great Britain called England, and to report the same, with their opinion thereupon, from time to time, to the House, (*see page 370 and 431*). That the committee had come to several resolutions, which they had directed him to report to the House; and he read the report in his place, and afterwards delivered it in at the table, where the same was read, and are as followeth, *viz.*

Resolved, That it is the opinion of this committee, that the houses to be provided for the general reception of the poor, ought to be limited by the act, so as not to exceed a certain number for each respective county, or the number for each county should be ascertained by the act; and that the governors should have power to borrow money upon the credit of the poor's rates, for providing and furnishing the necessary buildings, and also for buying a convenient stock of materials and utensils for employing the poor.

Resolved, That it is the opinion of this committee, that all cities and towns, which are counties of themselves, should be considered as distinct counties; but the qualification of their governors should be less than those required in the counties at large.

Resolved, that it is the opinion of this committee, that every person, qualified to act as a governor, ought to send his name and place of abode to the clerk of the district where-in he resides, at the first and every annual meeting of the governors for that district, or for every neglect to forfeit a sum of money; and that the clerk, at every such meeting, shall produce a list containing the names and places of abode of the governors so transmitted to him, which he shall di-

vide

vide into twelve equal parts, as near as may be, and the fractional parts shall be distributed, by adding one to each month, as far as they will extend, beginning with the month of January, and proceeding to each succeeding month; that the name of every such governor shall be wrote on a small piece of paper, and put into a glass or box, from whence the clerk, or some governor present, shall draw so many names as under such regulation shall belong to the month of January, and in like manner for each succeeding month, and the names so drawn shall be entered by the clerk in a book to be provided for that purpose; but liberty should be given for one governor to exchange his month with another, upon notifying the same to the clerk, and having an entry made thereof in the said book, one week at least before the monthly meeting; and that every governor, so drawn or exchanged, shall either attend such monthly meeting of the governors, or forfeit a sum of money; but in case any governor, from sickness, or any other unavoidable cause to be allowed by the governors at such monthly meeting, shall be unable to attend, and shall procure another governor to attend in his place, he shall be excused such penalty.

Resolved, That it is the opinion of this committee, that the act passed in the 17th year of the reign of his late Majesty King George the Second, intituled, "An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction," should be explained and amended, by a separate act, in such manner as will be most likely to enforce the execution thereof, and prevent the practice of begging in the streets and highways, pernicious in its consequences, and highly disgraceful to this country; which practice will be without the least excuse when these regulations take place, by which the distresses of the poor will upon all occasions be speedily and comfortably relieved; and the amendments should also be so adapted, as to prevent impositions and abuses upon the public, in the apprehending and passing of vagrants.

Resolved, That it is the opinion of this committee, that proper houses of correction should be provided, at the houses for the general reception of the poor in every district, for the more convenient inspection of the governors, but so separated from the other buildings, as to prevent any improper communication therewith; and that such rules, orders, and regulations, should be established, within those houses of correction, as may make them effectual for the purposes for which they were intended by the several laws now in being.

Adjourned to May 15.

May 15.

Mr. *Burke* said, he had in his hand a paper of importance. *Mr. Burke.* That it was from the general assembly of the province of New York, a province which yielded to no part of his Majesty's dominions in its zeal for the prosperity and unity of the empire, and which had ever contributed as much as any, in its proportion to the defence and wealth of the whole.

That it was a complaint in the form of a remonstrance, of several acts of parliament, some of which (as they affirmed) had established *principles*, and others had made *regulations* subversive of the rights of English subjects. That he did not know whether the House would approve of every opinion contained in that paper; but as nothing could be more decent and respectful than the whole tenor and language of the remonstrance, a mere mistake in opinion upon any one point, ought not to hinder them from receiving it, and granting redress on such other matters as might be really grievous, and which were not necessarily connected with that erroneous opinion. They never had before them so fair an opportunity of putting an end to the unhappy disputes with the colonies as at present; and he conjured them, in the most earnest manner, not to let it escape, as possibly the like might never return. He thought this application from America so very desirable to the House, that he could have made no sort of doubt of their entering heartily into his ideas, if lord North some days before, in opening the budget, had not gone out of his way, to make a panegyrick on the last parliament; and in particular to commend as acts of lenity and mercy, those very laws which the remonstrance considers as intolerable grievances. This circumstance indeed did somewhat abate the sanguine hopes of success which he had entertained from this dutiful procedure of the colony of New York. That he was so ill as not to be able to trouble them, if he were willing, with a long speech. He had several times in the session expressed his sentiments very fully upon every thing contained in that remonstrance; as for the rest it spoke so strongly for itself that he did not see how people in their senses could refuse at least the consideration of so reasonable and decent an address.

He then stated the heads of the remonstrance, which he moved for leave to bring up. Lord North moved an amendment as follows: a paper, intituled, "The representation and remonstrance of the general assembly of the colony of New York, being offered to be presented to the House; the House was moved, that the entry in the journals of the House, of the 7th of December, 1768, of the proceedings of the House,

touching the petition of the representatives of freemen in assembly of Pennsylvania, then offered to be presented to the House might be read, and the same was read accordingly."

The House was also moved, that "an act made in the sixth year of the reign of his present Majesty, intituled an act for the better securing the dependency of his Majesty's dominions in America upon the crown and parliament of Great Britain might be read, and the same was read accordingly."

Lord North spoke greatly in favour of New York, and said *Lord North*. that he would gladly do every thing in his power to shew his regard to the good behaviour of that colony: but the honour of parliament required, that no paper should be presented to that House, which tended to call in question the unlimited rights of parliament. That they had already relaxed in very essential points: but could not so much as hear of any thing which tended to call in question their right of taxing. As to the Quebec duties, by which the province of New York was affected, as he did not pretend to be infallible, he confessed they were not laid exactly as they ought to be, and he was willing to give satisfaction in that point immediately. This however was but a trifle to the general objects of the remonfrance.

Mr. Cruger. No person can be less disposed to trouble the *Mr. Cruger*. House than I am; but when a subject so important and interesting is before us, I am confident I shall be forgiven, tho' I intrude on your patience for a few minutes.

Sir, I pant after peace between this country and its colonies, and will gladly join my feeble voice to any proposal or overture that tends to an amicable settlement of the dispute. Any other mode of determining must inevitably injure both. The strength and prosperity of Great Britain and America have a common foundation; they stand on the same basis, and one cannot be shaken without endangering the other. It is therefore the interest of both parties to discover a disposition to be reconciled, not to be too severe in marking each others errors, to remember their old friendship, and calmly and dispassionately advance to a renewal of confidence for the future.

The assembly of New York have pursued this path; they have endeavoured to put a truce to resentment and tumult,--and, while the other colonies (in the frenzy of riot, commotion, and despair) have nearly annihilated the powers of their legislatures, and rush on to civil war, they dutifully submit their complaints to the clemency of the mother country.

Such conduct, Sir, cannot but meet the approbation of this House. The legislature cannot but invite subjects thus peacefully

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to pursue every legal way of redress: on the contrary, should this application be attended with no success, the colonies will be discouraged from such attempts; and the assembly of New York be driven into the common stream of opposition, to escape the charge of ineffectual and imprudent singularity. Although almost every other colony on the continent has transferred the business of petitioning from their own proper legislature to a general congress, the province of New York has ventured to be singular in reverence and obedience to her colonial constitution, and has resolutely adhered to her duty, uninfluenced by the example of her neighbours.

Policy and justice recommend the encouragement of such a spirit and conduct. It will induce others to copy their example; the citizens of New York have, during the present unhappy dispute, distinguished themselves by their temperate conduct. If they meet the protection and patronage of government, they will be animated to pursue the same path with greater alacrity and firmness.

In their present addresses to the throne, and both Houses of Parliament, though they may have extended their claims and complaints a little too far, still let us make a generous allowance for the difficulty of their situation: they could not at this particular crisis, wholly disregard the opinion of their sister colonies, and indeed, every lover of this liberal constitution cannot but (at least) forgive the apprehension and inquietudes of FREEMEN, under a claim which stamps them with the character of *slaves*. I mean the claim held up by this country of binding them, without the consent or security of their own representatives, in all cases whatever---than which there cannot be a more compleat description of the most ignominious servitude; and it is reserved to distinguish the administration of this day--to assign as a reason for rejecting a petition from British subjects and in an English House of Commons, that they claimed a right of giving and granting their own money by their own representatives.

And, Sir, as a refutation of many unjust charges alledged against them, they particularly disclaim all intentions and desire of independence. They confess the necessity of a superintending power in parliament, and explicitly state their conviction of its utility and equity when exercised for the regulation of trade. They look up to the legislature for redress; they entreat the exertions of its wisdom and benevolence to propose and adopt some method to terminate the present destructive dispute, for the happiness and to the satisfaction of both countries. They gratefully acknowledge the blessing which they have derived from the parental state; they deeply

lament the interruption of your affection, and hope to avert your indignation by remonstrance and prayer. What more humble would Englishmen ask from Englishmen and the sons of Englishmen?

Permit me then, sir, to beseech the House not to turn a deaf ear to their requests; but to embrace the first favourable opportunity of bringing them back to their duty, and leading them on to higher acts of obedience by new instances on our part, of mildness, remission, and friendship.

Mr. Cornwall.

Mr. Cornwall said it was contrary to every idea of the supremacy of parliament to receive a paper in which the legislative rights of parliament were denied; before such a paper could be brought up the declaratory act ought to be repealed: but the paper was not of that magnitude; it was only from twenty-six individuals. [*The number of the New York assembly.*]

Mr. Jenkinson.

Mr. Jenkinson, on the same side, urged that the House had never received petitions of this nature: but that here the name of a petition was studiously avoided, lest any thing like an obedience to parliament should be acknowledged. The opposition of the colonies was not so much against the tax which gave rise to the present dispute, as to the whole legislative authority of parliament, and to any restrictions of their trade. He reprobated every part of the remonstrance, and therefore was not for suffering so disrespectful a paper to be brought up.

Mr. Aubrey.

Mr. Aubrey. After all the abilities that have been exerted this session in behalf of the rights of America, it would be inexcusable in me were I to presume to detain the House more than a few moments with any thing that I might have to offer upon the subject before us: but, as I have ventured to deliver my sentiments here upon some occasions, I am unwilling to give a silent vote upon this; because I think it a very critical as well as a very important one. The petitioners, 'tis true, who now apply to us, remonstrate against our right of internal taxation; but they acknowledge, with great decency and great respect, the supreme government of this legislature over the whole empire, as well as its authority, to the utmost extent, to regulate the trade and commerce of the colonies, and at the same time they give us the strongest assurances "that they are, as they ever have been, ready to bear their full proportion of aids, whenever the crown, with the consent and approbation of parliament, may make such requisitions as the public service shall call for." Sir, this remonstrance may be in opposition to our declaratory act; but it is in defence of their customary and prescriptive exemption from British

tish taxation; the loss of which exemption will put them into the condition of slaves, whose all will depend only upon the justice or generosity of their masters. Though I am ready, Sir, to declare in the words of the greatest minister this country knows, that I think "we have no right under heaven to tax the Americans without their consent;" yet for the sake of argument, I will admit that such a right if we reason strictly and logically, may be made out partly from the words of some of their charters, and partly upon the nature of sovereignty itself: but whatever the right may be, every one knows that till of late it was never exercised, and was therefore grown at best obsolete, if a thing never practised can properly be called so. Now a right that is become obsolete is very near a kin to no right at all; and when revived is as offensive as if it had never previously existed. Among the oppressive measures of king Charles the first, which are now allowed, I should believe, on all hands to have been oppressive, it was none of the least that he revived obsolete claims. Indeed some of our modern historians (and those I allude to are at present most in fashion) have reduced the whole of his oppressions to this denomination: but Sir, this nation was incensed, and the greater part rose in arms against him for this practice. And do we wonder that the Americans are so little disposed to claims that had laid dormant so long, and which few of them, if any, had ever so much as heard of? After looking backward to the origin of this right, let us now look forward to its consequences---And here the Americans seem equally excusable for not admitting a principle which may be abused to their ruin, and which is not unlikely to be so abused. Whenever a minister wants money for bad purposes, and finds the nation clamorous against his raising it at home, what so natural for him as to supply his wants by the plunder of another nation, whose clamours either do not reach him, or from their distance are too weak to disturb his repose. The temptation, Sir, is as great as the necessities of ministers are frequent; and both together will easily overcome their scruples. I cannot therefore think that the Americans can be too tenacious of that customary privilege of taxing themselves, which is their only security against being reduced to beggary and famine. And I shall only farther add (since, as I observed before, this subject has been so much more ably spoken to) that as long as government persists in attempting to tax the Americans without their consent, so long shall I think myself justified in taking every opportunity of voting on the side of that oppressed, perhaps I might say, devoted people.

Mr.

Mr. Fox.

Mr. Fox said, the right of parliament to tax America, was not simply denied in the remonstrance, but as coupled with the exercise of it. The exercise was the thing complained of, not the right itself. When the declaratory act was passed, asserting the right in the fullest extent, there were no tumults in America, no opposition to government in any part of that country : but when the right came to be exercised in the manner we have seen, the whole country was alarmed, and there is an unanimous determination to oppose it. The right simply is not regarded ; it is the exercise of it that is the object of opposition. It is this exercise that has irritated, and made almost desperate several of the colonies : but the noble lord (Lord North) chuses to be consistent ; he is determined to make them all mad alike. The only province that was moderate, and in which England had some friends, he now treats with contempt. What will be the consequence, when the people of this moderate province are informed of this treatment ? That representation which the cool and candid of this moderate province had framed with deliberation and caution, is rejected, is not suffered to be presented, no not even to be read by the clerk. When they hear this, they will be inflamed, and hereafter be as distinguished by their violence, as they have hitherto been by their moderation. It is the only method they can take to regain the esteem and confidence of their brethren in the other colonies, who have been offended at their moderation. Those who refused to send deputies to the congress, and trusted to parliament, will appear ridiculous in the eyes of all America ; it will be proved, that those who distrusted and defied parliament, had made a right judgment ; and those who relied upon its moderation and clemency, had been mistaken and duped. That the consequence of this must be, that every friend the ministers have in America, must either abandon them, or lose all credit and means of serving them in future.

The noble lord (Lord North) acknowledges the Quebec duties are not laid exactly as they ought to be. This matter is not introduced in the remonstrance on account of its being a grievance ; but to shew how extremely ignorant the present ministers are of the proper mode of American taxation. What is there to hinder the people of New York from trading with the interior country as before ? Every thing is just the same ; there are no troops to hinder them passing and repassing as usual. Is there so much as an officer to receive that duty which is directed to be paid ? It is mentioned, to convince you of your ignorance in taxing America. You make an act

of

of parliament to raise a revenue in that country, and you not only make a capital blunder in it, but stumble at the threshold of collecting it.

Governor *Johnstone* observed, that when Mr. Wilkes had formerly presented a petition full of matter, which the House did not think fit to enter into, they did not prevent the petition being brought up; but separated the matter which they thought improper, from that which they thought ought to be heard. The House might make use of the same selection here. Ministers have long declared, they wished for a dutiful application from one of the colonies, and now it is come they treat it with scorn and indignity. He was severe on Mr. Cornwall's saying it came only from twenty-six individuals. These twenty-six are the whole assembly. When the question to adopt the measures recommended by the Congress, was negatived by a majority of one only, in this assembly of twenty-six individuals, the ministers were in high spirits; and these individuals were then represented as all America.

The question been repeatedly called for, the House divided upon Lord North's amendment.

Mr. *Burke*'s motion was, that the said representation and remonstrance be brought up.

Lord *North* amended the motion thus, "That the said representation and remonstrance (in which the said assembly claim to themselves rights derogatory to, and inconsistent with, the legislative authority of parliament, as declared by the said act)* be brought up." For the amendment 186, against it 67. And the question, so amended, being put, it passed in the negative.

The representation and remonstrance of the general assembly of the colony of New-York.

To the honourable the Knights, Citizens, and Burgesses of Great Britain in Parliament assembled.

Impressed with the warmest sentiments of loyalty and affection to our most gracious Sovereign, and zealously attached to his person, family, and government, we, his Majesty's faithful subjects, the representatives of his ancient and loyal colony of New-York, behold with the deepest concern the unhappy disputes subsisting between the mother country and her colonies, convinced that the grandeur and strength of the British

* The declaratory act.

British Empire, the protection and opulence of his Majesty's American dominions, and the happiness and welfare of both, depend essentially on a restoration of harmony and affection between them ;—we feel the most ardent desire to promote a cordial reconciliation with the parent state, which can be rendered permanent and solid only by ascertaining the line of parliamentary authority, and American freedom, on just, equitable, and constitutional grounds. To effect these salutary purposes, and to represent the grievances under which we labour, by the innovations which have been made in the constitutional mode of government since the close of the last war, we shall proceed with that firmness, which becomes the descendants of Englishmen, and a people accustomed to the blessings of liberty, and at the same time with the deference and respect which is due to this august assembly, to shew,

That from the year 1683, till the above-mentioned period, this colony has enjoyed a legislature, consisting of three distinct branches a governor, council, and general assembly, under which political frame the representatives of the people have uniformly exercised the right of their own civil government, and the administration of justice in the colony.

It is therefore with inexpressible grief that we have of late years seen measures adopted by the British parliament, subversive of that constitution under which the good people of this colony have always enjoyed the same rights and privileges so highly and deservedly prized by their fellow subjects in Great Britain; a constitution in its infancy modelled after that of the parent state, in its growth more nearly assimilated to it, and tacitly implied and undeniably recognized in the requisitions made by the crown, with the consent and approbation of parliament.

An exemption from internal taxation, and the exclusive right of providing for the support of our own civil government, and the administration of justice in this colony, we esteem our undoubted and unalienable rights, as Englishmen; but while we claim these essential rights, it is with equal pleasure and truth we can declare, that we ever have been, and ever will be ready to bear our full proportion of aids to the crown for the public service, and to make provision for the necessary purposes, in as ample and adequate a manner as the circumstances of the colony will admit. Actuated by these sentiments, while we address ourselves to a British House of Commons, which has ever been so sensible of the rights of the people, and so tenacious of preserving them from violation, can it be a matter of surprize, that we should feel the most distressing

distressing apprehensions from the act of the British parliament, declaring their right to bind the colonies in all cases whatever? A principle which has been actually exercised by the statutes made for the sole and express purpose of raising a revenue in America, especially for the support of government, and the other usual and ordinary services of the colonies.

The trial by a jury of the vicinage in causes civil and criminal, arising within the colony, we consider as essential to the security of our lives and liberties, and one of the main pillars of the constitution, and therefore view with horror the construction of the statute of the 35th of Henry the VIIIth, as held up by the joint address of both Houses of Parliament in 1769, advising his Majesty to send for persons guilty of treasons, and misprisions of treasons, in the colony of Massachusetts Bay, in order to be tried in England; and we are equally alarmed at the late acts, empowering his Majesty to send persons guilty of offences in one colony to be tried in another, or within the realm of England.

When we consider that the cognizance of causes arising on the land, has by the wisdom of the English constitution been appropriated to the courts of common law, and the jurisdiction of the admiralty confined to causes purely marine, we regard the great alterations that have been made in that wholesome system of laws, by extending the powers of the courts of admiralty, authorising the judges certificates, to indemnify the prosecutor from damages he might otherwise be liable to, giving them a concurrent jurisdiction with the courts of common law, and by that means depriving the American subject of his trial by a jury, as destructive to freedom, and injurious to our property.

We must also complain of the act of the 7th of George the Third, chapter the 59th, requiring the legislature of this colony to make provision for the expence of supplying troops quartered amongst us, with the necessaries prescribed by that law; and holding up by any other act a suspension of our legislative powers till we should have complied, as it would have included all the effects of a tax, and implies a distrust of our steadiness to contribute to the public service.

Nor in claiming these essential rights do we entertain the most distant desire of independence on the parent kingdom; we acknowledge the Parliament of Great Britain necessarily entitled to a supreme direction and government over the whole Empire, for a wise, powerful, and lasting preservation of the great bond of union and safety among all the branches; their

authority to regulate the trade of the colonies so as to make it subservient to the interest of the mother country, and to prevent its being injurious to the other parts of his Majesty's dominions, has ever been fully recognized; but an exemption from duties on all articles of commerce which we import from Great Britain, Ireland, and the British plantations, or on commodities which do not interfere with their products or manufactures, we can justly claim; and always expect that our commerce will be charged with no other than a necessary regard to the trade and interest of Great Britain and her colonies evidently demands; at the same time we humbly conceive, that the money arising from all duties raised in this colony should be paid into the colony treasury, to be drawn by requisitions of the crown to the general assembly, for the security and defence of the whole empire.

We cannot avoid mentioning among our grievances the act for prohibiting the legislature of this colony from passing any law for the emission of a paper currency to be a legal tender in the colony: Our commerce affords so small a return of specie, that without a paper currency, supported on the credit of the colony, our trade and the change of the property must necessarily decrease; without this expedient we never should have been able to comply with the requisitions of the crown during the last war, or to grant ready aids on any sudden emergencies. The credit of our bills has ever been secured from depreciation by the short periods limited for their duration, and sinking them by taxes raised on the people; and the want of this power may, in future, prevent his Majesty's faithful subjects here from testifying their loyalty and affection to our gracious sovereign, and from granting such aids as may be necessary for the general weal and safety of the British empire: nor can we avoid remonstrating against this act, as an abridgment of the royal prerogative, and a violation of our legislative rights.

We must also complain of the act of the last session of Parliament, imposing duties on certain articles imported into the province of Quebec, and restricting the importation of them to the ports of Quebec and St. John's on the river Sorel, by which the commerce formerly carried on by this colony with the Indians is in a great measure diverted into another channel; as by the extension of the bounds of that province from Hudson's Bay to the Ohio, by a statute of the same session, a great extent of country is cut off from this colony, in which hitherto the most lucrative branches of the Indian trade were pursued; and by directing the duties on the

the articles necessary for that commerce to be paid only at the above ports, which are so very remote from this and the other colonies, that the importation of them by those places will be attended with such a heavy expence as to amount to a total prohibition: These acts, in our opinion, bear with peculiar hardship on the people of this colony, when we reflect on the vast sums of money which have been expended by our legislatures in conciliating the friendship of the savages, and the essential services which were derived to the British arms during the last war from our alliance with and influence over them, founded on free and unrestrained commerce. We are at a loss to account why articles imported from the continental colonies, and imported into the province of Quebeck, should be loaded with heavier duties than those brought from the West India islands, by which, while we are deprived of a most lucrative branch of commerce, we behold a discrimination made between us and the sugar colonies to our prejudice, equally injurious and unmerited.

Nor can we forbear mentioning the jealousies which have been excited in the colonies by the extension of the limits of the province of Quebeck, in which the Roman Catholic religion has received such ample supports.

Interested as we must consider ourselves in whatever may affect our sister colonies, we cannot help feeling for the distresses of our brethren in the Massachusetts Bay, from the operation of the several acts of parliament passed relative to that province, and of earnestly remonstrating in their behalf. At the same time we also must express our disapprobation of the violent measures that have been pursued in some of the colonies, which can only tend to encrease our misfortunes, and to prevent our obtaining redress.

We claim but a restoration of those rights which we enjoyed by general consent before the close of the last war; we desire no more than a continuation of that ancient government to which we are entitled by the principles of the British constitution, and by which alone can be secured to us the rights of Englishmen. Attached by every tie of interest and regard to the British nation, and accustomed to behold with reverence and respect its excellent form of government, we harbour not an idea of diminishing the power and grandeur of the mother country, or lessening the lustre and dignity of Parliament; our object is the happiness which we are convinced can only arise from the union of both countries. To render this union permanent and solid, we esteem it the undoubted right of the colonies to participate of that constitution

tion whose direct end and aim is the liberty of the subject; fully trusting that this honourable House will listen with attention to our complaints, and redress our grievances, by adopting such measures as shall be found most conducive to the general welfare of the whole empire, and most likely to restore union and harmony amongst all its different branches,

By order of the General Assembly,
JOHN CRUGER, *Speaker,*

Assembly Chamber, City of New York,
the 25th day of March 1775.

May 16.

The order of the day, for hearing counsel previous to the third reading of the bill for erecting a light-house on the rock called the Smalls, in St. George's channel. Mess. Lee and Macdonald were heard against the bill. Their arguments went chiefly against the great income the duties to be collected by the bill would bring in to the intended grantee, and the impropriety of legalizing a patent, which wanted every essential quality necessary to constitute such a species of grant. A witness was examined, to prove that vessels trading to Africa, America, and the southern parts of Europe, which were to be charged with the light-house duties, would derive no advantage from the scheme.

Mr. Gascoigne.

The counsel and witnesses being withdrawn, Mr. Gascoigne moved to have the bill read a third time, and the same being read accordingly, the Speaker put the question in the usual form, "Is it your pleasure that the bill do pass?"

Lord Fred. Campbell.

Lord Frederick Campbell confessed, he had no doubt but the light-house might be of great benefit for all ships or vessels sailing down St. George's channel; but he contended, that it was equally absurd and unprecedented, for the patentee to come to parliament, for a perpetuity, before either the scheme was proved practicable, or if so, till the benefits derived from it were notorious and generally acknowledged.

Mr. Gascoigne.

Mr. Gascoigne observed, that he was glad to find the noble lord give up every other objection but that of granting a perpetuity. He knew his lordship's industry, and that if his constituents at Glasgow were against the bill, he was sure his lordship would now hold a different language. In the course of his speech, he hinted that a misunderstanding between a certain right hon. member [Sir William Meredith] and the patentee [Phillips] remained now the only objection to the passing of the bill,

Sir

Sir *William Meredith* said, in answer to something Mr. Gascoigne suggested of a confidential, friendly correspondence having subsisted between him and Mr. Phillips, that it was not a subject fit to entertain the House with; for the bill must stand or fall by its merits. He insisted the whole plan was totally impracticable; that the light-house could not be so constructed as to stand; it would be destroyed, and every person in it inevitably perish; and, that probably the affair would end as sinking the vessel at Plymouth did, and the present adventurer, like the unhappy Day, fall a sacrifice to his own temerity and rashness.

The House divided; ayes 48, noes 53. The bill was of course thrown out.

May 17.

Lottery bill.

Private business.

May 18.

Sir George Savile presented the following petition.

To the honourable the Commons of Great Britain in parliament assembled.

The humble petition and memorial of his Majesty's ancient subjects the seigneurs, freeholders, merchants, traders, and others settled in his Majesty's province of Quebec,

Sheweth,

That, under the sanction of his Majesty's royal proclamation, bearing date the seventh day of October, in the year of our Lord one thousand seven hundred and sixty-three, which graciously promises to all persons inhabiting in, or resorting to, this province, his royal protection for the enjoyment of the benefit of the laws of the realm of England, until assemblies should be called therein, they did come and settle themselves in this province, having entrusted their own properties, as well as very considerable sums of their friends, in goods and merchandize, from Great Britain, and entrusted the same into the hands of the Canadians, as well for the purpose of internal trade in the province, as for outlets in carrying on the traffic of furs and peltries in the Indian countries and fisheries below Quebec, many of them having purchased lands and houses, and been employed in agriculture, and the exportation of grain and other produce to foreign markets, to the great benefit and emolument of the said province, which has flourished chiefly by the industry and enterprising spirit of the said subjects, who, under the protection of British laws, and by the assistance of annual supplies of British manufactures, and other goods and merchandize obtained upon credit

credit from the merchants of Great Britain, have been enabled to carry on at least four parts in five of all the imports and exports which are principally made in British bottoms, the latter consisting of furs, peltries, wheat, fish, oil, pot-ash, lumber, and other country produce : and for the more convenient carrying on the said trade and commerce, they have built wharfs and store-houses at a very great expence, inso-much that the property real and personal, now in British hands, or by them entrusted to Canadians at a long credit, is one half of the whole value of the province, exclusive of the wealth of the different communities ; which your petitioners have in part set forth in the humble petition to his most excellent Majesty, dated at Quebeck the thirty-first day of December, which was in the year of our Lord one thousand seven hundred and seventy-three ; humbly praying, that he would be graciously pleased to require his governor or commander in chief, to call a general assembly, in such manner, and of such constitution and form, as to his Majesty's royal wisdom should seem best adapted to secure the peace, welfare, and good government of this province. Wherefore with deep concern they observe, that in certain examinations taken before your honourable House, the British subjects here have been grossly abused and misrepresented, as well as to their numbers as in their importance in this province. For the number of the new subjects has, we humbly conceive, been greatly exaggerated, it being, by the last computation, about seventy-five thousand ; whereas, by an enumeration of the British subjects, they amount at this time to upwards of three thousand souls, besides many that we cannot immediately ascertain, that are dispersed in the Indian countries carrying on traffick with the savages, besides the merchants and traders with their families settled at Detroit and its dependencies, and at the fisheries below Quebeck. And whereas an act of parliament has lately passed, intituled, An act for the making more effectual provision for the government of the province of Quebeck in North-America, which is said to have been passed upon the principles of humanity and justice, and that the pressing instance and request of the new subjects, signified to his Majesty by an humble petition setting forth their dislike to the British laws and form of government, and praying, in the name of all the inhabitants and citizens of the province, to have the French institutes in their stead, and a total abolition of trials by jury, together with a capacity of holding places of honour and trust in common with his Majesty's ancient subjects. We crave leave to inform your ho-
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nourable House, that the said petition was never imparted to the inhabitants in general, (that is) the freeholders, merchants and traders, who are equally alarmed with us at the Canadian laws being to take place, but was in a secret manner carried about and signed by a few of the seigneurs, chevaliers, advocates, and others in their confidence, at the suggestions, and under the influence of their priests; who under colour of French laws, have obtained an act of parliament which deprives his Majesty's ancient subjects of all their rights and franchises, destroys the *habeas corpus* act, and the inestimable privilege of trial by juries, the only security against the venality of a corrupt judge, and gives unlimited power to the governor and council, to alter the criminal laws; which act has already struck a damp upon the credit of the country, and alarmed all your humble petitioners with the just apprehensions of arbitrary fines and imprisonment, and which, if it takes place, will oblige them to quit the province, or, in the end, it must accomplish their ruin, and impoverish or hurt their generous creditors, the merchants in Great Britain, &c. To prevent which, your petitioners most humbly pray, that the said act may be repealed or amended, and that they may have the benefit and protection of the English laws, in so far as relates to personal property; and that their liberty may be ascertained according to their ancient constitutional rights and privileges heretofore granted to all his Majesty's dutiful subjects throughout the British empire.

And your petitioners, as in duty bound, will ever pray.

Quebeck, 12th Nov. 1774.

[Signed by the Quebeck committee, the Montreal committee, and others. In all, 184 persons.]

Sir *George Savile* took a retrospect of the Quebeck act: said the prayer of the petition, relative to the *habeas corpus* act, was not a matter involved in nice distinctions of law, or to be fathomed and decided through the medium and by the rules of deep political investigation; it was an alternative which struck with equal force the meanest or most enlightened understanding; it was simply whether people would wish to be freemen or slaves, under a government which if honestly or wisely administered, held out freedom indiscriminately to every individual entitled to its protection. And he would be bold to maintain, that the proposition in favour of an *habeas corpus* law was so self-evident, and carried with it such intuitive, forcible conviction, that the English, French, Popish, and Protestant,

Protestant, whites, blacks, tawnies, nay the very beasts of the fields, and reptiles crawling on the earth, were they capable of distinguishing between the value of personal liberty, and being shut up in a prison, at the will of a tyrant, would unite in one voice, in crying out for the enjoyment of so inestimable a blessing as the *habeas corpus* act. He turned to the ministry, observing with indignation, the mean subterfuges they were driven to, when they endeavoured to persuade parliament, that a governor who was obliged literally to comply with his instructions, assisted by five popish counsellors, would do what they (the ministry) did not think fit to let parliament do. He said, he was informed that orders had been given to raise a Canadian regiment of French papists. When those guardians of the laws of England, and the Protestant religion, are embodied, where will they march? or for what service are they destined? Not, I hope, to quell the Protestant peaceable settlers, nor yet the still more favoured and loyal French Papists; but to sit, I presume, mere inactive spectators. No, that I cannot believe. I am not lawyer enough to point out how far they might legally march, but were I to form any conjecture about the limits they would set to themselves with arms in their hands, and the instant they would forbear to act, I should presume that the limits would be some river or lake, over which they had no means of conveyance, and the instant they would cease to act in a military manner would be, when all their powder, ball and ammunition were spent. I am, therefore, strongly against raising or embodying any regiment of French Papists. He concluded with a motion for repealing the act for making provision for the better government of the province of Quebec.

He was seconded by Mr. T. Townshend, who condemned the bill throughout, as the most unjust, impolitic, and unconstitutional, that ever received the sanction of a British House of parliament. He said, the Canadians themselves had been deceived, as they were assured, they should have the benefit of an assembly, the *habeas corpus* act, and trial by jury.

Mr. De Grey entered into a view of the colony before the passing of the bill, destitute of all law, order, or security, in point of property; and insisted that the present government, however exceptionable in some respects, was better than none, and ought to be continued till the province was prepared to receive an assembly.

Mr. Howard spoke warmly against the act; said it was brought in at the end of the last session, when the House had not the information it now possessed; said he was against it then,

then, and should ever continue to be so, as a disgrace to the statutes. He was severe on Dr. Shëbbeare, whom he represented as pensioned for vilifying the characters of King William and Queen Mary, and the late King, and writing against the Revolution.

Lord *North* said, if the hon. gentleman who made the motion for leave to bring the bill to repeal the act in question, had been informed of what had passed in the other House the preceding day, * he presumed, he never would have made that motion, as he knew no bill could pass without the consent of the Lords. Mr. T. Townshend cried "to order, to order," and it was instantly echoed from almost every part of the House. His lordship insisted what he said was not disorderly. For his part, his opinion, in regard to the act was the same as it was last year when it passed, and as well now as then looked upon the act to be built on principles of the most just, most proper, and most sound policy; being extremely glad to have it discussed, for the more it was examined, the more it met with his approbation. He avowed the intention of arming the Canadians. He said, he stood up in his place to assert, that if the refractory colonies cannot be reduced to obedience by the present force, he should think it a right, proper, and necessary measure to arm the Roman Catholics of Canada, and to employ them in that service. He further observed, that when Great Britain and America were contending about sovereignty, if any colony had discovered a proper sense of duty, and united itself in principle with this country, it was liable to objection from the gentlemen on the other side; but if it joined the other colonies against the legislature (for the quarrel was not with the ministry but the parliament) those gentlemen would, he could venture to affirm, hold a different language; and declared, whatever others might think on the subject, he did not approve of juries in civil cases. However, he said, he would venture to affirm, the dispute with America was not so alarming as some people apprehended. He had not the least doubt this dispute would end speedily, happily, and without bloodshed.

Mr. *Fox*, alluding to lord North's observation, that the Mr. *Fox*. bill originated in the Lords, observed, that this construction or apology arose, because his lordship did not chuse to own who was the real planner of it; that withholding from the

* The like motion was made in the House of Lords by Lord Camden. See the *Lords Debates*.

Canadians an assembly, and putting arms in their hands, shewed he was more afraid of their tongues than their swords; and that after eleven years shameful neglect and procrastination, he was convinced, if the disputes had not arisen with our American colonies, the act of last year would have never been thought of; but the colony would be left without law or any political regulation whatever.

*Sir Robert
Smyth.*

Sir Robert Smyth. Not having had the honour of a seat in the last parliament, and never before this day an opportunity of publicly declaring my sentiments upon this bill, I am in some measure indebted to my honourable friend near me, who has given me that opportunity by the proposition of to-day.

However great my opinion may be of the abilities and integrity of my worthy friend, however high my esteem for his private, as well as his parliamentary character, however just my respect for his abilities, or my deference for his judgment, I find myself obliged, upon many occasions, to differ from him upon public questions; such I confess is the case with respect to the present proposition;

I am very sorry at this late hour, and under the present impatience of the House to trespass upon their time. It is very seldom I take that liberty, and always with the greatest degree of reluctance; for I can safely say, it is as painful and disagreeable to me to speak, as I fear it is unpleasing and unprofitable in the House to hear me; I do not therefore mean to enter into the detail of this argument, which has been very ably and very minutely discussed, but shall content myself with giving my general reasons why I approve of this bill.

When the glory of our arms had extended into almost every part of the globe, and a very considerable addition of territory acquired by war became confirmed to us by the subsequent treaty of peace, it was the duty of a wise, as well as a warlike nation, that what had been acquired by conquest, should be established by proper and wholesome regulations: what had been the object of our ambition to conquer, necessarily became the object of our policy to arrange. The province of Canada, the most extensive as well as the most valuable of our acquisitions, was in such a state of confusion at the expiration of the war, that it has been the object of successive administrations for these ten years past, to give it a solid and permanent system of jurisprudence. But the fluctuating state of our politicks, the rapid changes of measures, and the precarious and uncertain tenure by which ministers held

held their employment, made them more anxious about preserving their own power at home, than forming establishments for our distant provinces abroad.

The very great disproportion between the Canadian and British subjects, as was proved at your bar, made it an object of justice as well as of sound policy, that the Canadian laws should form the basis of your system, and that the English laws should only be adopted in criminal cases, where trial by jury gives them an advantage over every other system that ever was instituted. Whoever reflects upon the excellencies of the British laws, whoever considers them in theory, or sees the daily advantages of them in practice, whoever justly admires them for their peculiar lenity, moderation, equity, and impartiality, would wish to see them extended over the whole face of the British empire; but if there are local and circumstantial reasons, arising from the national character of the people, their language, customs, usages, institutions, and I will even add, their prejudices, which in this case ought to be consulted, and not only consulted, but in some measure indulged; if there are reasons arising from these various circumstances, that make it impossible for the English laws to be adopted in their original purity, I will venture to affirm, that a legislator is not only justified, but that it is an essential part of his duty, so to alter and modify these laws, as may best adapt and accommodate them to the peculiar genius and temper of the people, so as to become the best rule of civil conduct possible, and the best calculated to promote their general happiness. It was ever the maxim of the greatest legislators of antiquity, to consult the manners and dispositions of the people, and the degrees of improvement they had then received, and to frame such a system of laws as was best suited to their then immediate situation. Thus, Sir, when Lycurgus was reproached with not having given to the Spartans the most perfect code of laws, he acknowledged they were not the best he was capable of giving them, but the best they were then capable of receiving.

Therefore, Sir, without entring at this late hour into the detail of arguments which have already been very largely and very ably discussed, I shall content myself with dissenting from the present motion, and supporting the Quebec bill upon grounds, and from reasons, founded upon the general principles of the fitness, policy, expediency and necessity of the measure.

Colonel *Barri*, after complimenting Sir Robert Smyth on his great powers of eloquence, assured him if he had heard

Col. *Barri*

the evidence at the bar last year, he would have been of another way of thinking. He sported a good deal with the Comptroller's white wand, and was called to order.

Sir Wm. Meredith.

Sir William Meredith observed, that whatever magic power it might contain, it was no weapon of defence.

Col. Barré.

Colonel Barré said, he might have been disorderly, but desired, for his own justification, and the satisfaction of the House, if there was any standing order of the House respecting the Comptroller and his wand, that it might be read, otherwise he should look upon himself at liberty to allude to Mr. Comptroller and his wand as often as either came in the way; for if they did not contain any great store of wit themselves, they at least bore a strong resemblance to another well-known facetious knight, they were the occasion of producing it in others. He said, that in the discussion of the Quebec bill last year, he had often asked who was the father of it, but could never receive any satisfactory answer till this day, when the noble Lord's speech, and that irresistible partiality parents are known to have for their own offspring, gave him reason to believe that the noble Lord himself was the true father of that monstrous production of tyranny, injustice, and arbitrary power. He next took notice of the Spanish armament; said he supposed the conquest of Gibraltar was what they had in contemplation; that he advised the noble Lord last year to order some additional works towards the sea, as the only place in which it was vulnerable; but it was now too late, for if the Spaniards attacked it with a fleet, the fate of it must be decided in spite of all the possible assistance Britain could give it.

The House divided: for the question 86; against it 174.

May 19.

No Debate. Adjourned to May 22.

May 22.

No Debate. Adjourned to May 24.

May 24.

No Debate.

May 25.

Nothing material.

May 26.

The King being come to the House of Peers, to put an end to the session, sent for the Commons: the Speaker, with the House, went up, and previous to the royal assent being given to the bills, which were ready, the Speaker delivered himself to the following purport:

SIR,

S I R,

Your faithful Commons present to you three money bills; *Mr. Speaker.* the first for raising money by loans of Exchequer bills for the service of the year 1775; the second for establishing a lottery, and for paying off 1,000,000*l.* 3 per cent. annuities, and for other purposes therein mentioned; and the other for appropriating the surplusses of the sinking fund for the service of the current year. These are all necessary grants, but they are yet very heavy, and are what nothing but the particular exigences of the times could justify, in a time of profound peace. The unhappy differences in America, have been the chief cause of this expence; and I trust, that when the people of America see, in a proper light, the conduct of this country, they will learn to pay proper obedience to the laws; if, on the contrary, they should persist in their resolutions, and that the sword must be drawn, your faithful Commons will do every thing in their power to maintain and support the supremacy of this legislature. A great part of the session has been taken up in determining complaints respecting controverted elections. I cannot but admire the wisdom of the last parliament in enacting that law; neither can I withhold the praise justly due to the committees who have acted so much to the satisfaction of the public, and so fully in discharge of their own consciences. On the whole, Sir, I make no doubt but you will faithfully apply the money thus granted to the purposes for which it was appropriated.

The bills having passed, the King put an end to the session with the following speech:

My Lords and Gentlemen,

I cannot, in justice to you, forbear to express my entire *King's* satisfaction in your conduct, during the course of this im- *Speech.* portant session.

You have maintained, with a firm and steady resolution, the rights of my crown, and the authority of parliament, which I shall ever consider as inseparable: You have protected and promoted the commercial interests of my kingdoms; and you have, at the same time, given convincing proofs of your readiness (as far as the constitution will allow you) to gratify the wishes, and remove the apprehensions of my subjects in America; and I am persuaded, that the most salutary effects must, in the end, result from measures formed and conducted on such principles.

The

The late mark of your affectionate attachment to me and to the Queen, and the zeal and unanimity which accompanied it, demand my particular thanks. *

I have the satisfaction to acquaint you, that, as well from the general dispositions of other powers, as from the solemn assurances which I have received, I have great reason to expect the continuance of peace: nothing on my part, consistent with the maintenance of the honour and interest of my kingdoms, shall be wanting to secure the public tranquillity.

Gentlemen of the House of Commons,

It gives me much concern, that the unhappy disturbances in some of my colonies have obliged me to propose to you an augmentation of my army, and have prevented me from completing the intended reduction of the establishment of my naval forces. I cannot sufficiently thank you for the cheerfulness and public spirit with which you have granted the supplies for the several services of the current year.

My Lords and Gentlemen,

I have nothing to desire of you, but to use the best endeavours to preserve and cultivate, in your several counties, the same regard for public order, and the same discernment of their true interests, which have in these times distinguished the character of my faithful and beloved people; and the continuance of which cannot fail to render them happy at home, and respected abroad.

* Alluding to a bill, which silently passed, for settling Buckingham House on the Queen, in lieu of Somerset.

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